

OUTFITTERS AND GUIDES ACT AS AMENDED  
IDAHO CODE, TITLE 36, CHAPTER 21  
Applicable Sections of  
IDAHO CODE, TITLE 6, CHAPTER 12  
And Unofficial Rules of the IOGLB



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# TITLE 36

## FISH AND GAME

### CHAPTER 21

#### OUTFITTERS AND GUIDES

36-2101. Declaration of policy. The natural resources of the state of Idaho are an invaluable asset to every community in which they abound. Every year, in rapidly increasing numbers, the inhabitants of the state of Idaho and nonresidents are enjoying the benefits of Idaho's recreational opportunities. The tourist trade is of vital importance to the state of Idaho, and the recreational value of Idaho's natural resources is such that the number of persons who are each year participating in their enjoyment is steadily increasing. The intent of this legislation is to promote and encourage residents and nonresidents alike to participate in the enjoyment and use of the deserts, mountains, rivers, streams, lakes, reservoirs and other natural resources of Idaho, and the fish and game therein, and to that end to regulate and license those persons who undertake for compensation to provide equipment and personal services to such persons, for the explicit purpose of safeguarding the health, safety, welfare and freedom from injury or danger of such persons, in the exercise of the police power of this state. It is not the intent of this legislation to interfere in any way with the business of livestock operations, nor to prevent the owner of pack animals from using same to accommodate friends where no consideration is involved for the use thereof, nor is it

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the intent of this legislation to interfere in any way with the right of the general public to enjoy the recreational value of Idaho's deserts, mountains, rivers, streams, lakes, reservoirs and other natural resources when the services of commercial outfitters and guides are not utilized, nor to interfere with the right of the United States to manage the public lands under its control.

36-2102. Definitions. (a) "Person" includes any individual, firm, partnership, corporation or other organization or any combination thereof.

(b) "Outfitter" includes any person who, while engaging in any of the acts enumerated herein in any manner: (1) advertises or otherwise holds himself out to the public for hire; (2) provides facilities and services for consideration; and (3) maintains, leases, or otherwise uses equipment or accommodations for compensation for the conduct of outdoor recreational activities limited to the following: hunting animals or birds; float or power boating on Idaho rivers and streams; fishing on Idaho lakes, reservoirs, rivers and streams; and hazardous desert or mountain excursions. Any firm, partnership, corporation or other organization or combination thereof operating as an outfitter shall designate one (1) or more individuals as agents who shall, together with the licensed outfitter, be held responsible for the conduct of the licensed outfitter's operations and who shall meet all of the qualifications of a licensed outfitter.

(c) "Guide" is any natural person who is employed by a licensed outfitter to furnish personal services for the conduct of outdoor recreational activities directly related to the conduct of activities for which the employing outfitter is licensed. Any such person not employed by a licensed outfitter who offers or provides facilities or services as specified in subsection (b) of this section shall be deemed in violation of the provisions of this chapter, except: (1) any employee of the state of Idaho or the United States when acting in his official capacity, or (2) any natural person who is employed by a licensed outfitter solely for the following activities: caring for, grooming or saddling of livestock, cooking, woodcutting, and transporting people, equipment and personal property on public roads shall be exempt from the provisions of this chapter.

(d) "Board" means the Idaho outfitters and guides licensing board.

(e) "Resident" means a person who has resided in the state of Idaho for a period of six (6) months next preceding the time of application for license.

(f) "Nonresident" means any person not included in subsection (e) of this section.

(g) "License year" means that period of time beginning on the date an outfitter's or guide's license is issued and ending on the anniversary of the date of issuance in the following year.

(h) "Individual" means any person other than a partnership, corporation or any other organization or combination thereof.

36-2103. Exceptions. The foregoing definitions of the terms "outfitter" and "guide" will not apply to a person who furnishes, rents or leases, whether or not for compensation or gain or promise thereof, a pack or saddle horse, or other equipment, to a hunter or a fisherman. A person so furnishing, renting or leasing a pack or saddle horse or other equipment, shall not be considered an "outfitter" or "guide" if, on an incidental basis, they accompany a hunter, not to include extended camping, for the purpose of maintaining the safety and well-being of the livestock used to retrieve harvested big game. Additionally, the foregoing definition of "outfitter" and "guide" shall not apply to members of a nonprofit organization if the organization meets the following criteria: (i) it is exempt from the payment of federal income taxes under section 501(c)(3) of the Internal Revenue Code; (ii) its purpose is to provide outdoor experiences to young persons under twenty-one (21) years of age and to its leaders; and (iii) it provides outfitting and guiding services to its own bona fide members on a not for profit basis. If the members of the nonprofit organization provide outfitting or guiding services to persons who are not its members and leaders, the provisions of this chapter shall apply to that organization, its members and leaders.

36-2104. License a prerequisite for outfitting and guiding. (1) It is a misdemeanor for any person to engage in the business of or act in the capacity of an outfitter or outfitting, or in the occupation of guiding, unless such person has first secured an outfitter's or guide's license in accordance with the provisions of this chapter, or for any person to knowingly and willingly conspire to violate the provisions of this chapter.

(2) It is a misdemeanor for any person to provide consideration or compensation for services requiring an outfitting or guiding license to another person, when such person providing consideration or compensation knows the person providing such services is not duly licensed as an outfitter or guide in accordance with the provisions of this chapter.

(3) Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, such person shall be punished as provided in section 36-2117, Idaho Code.

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36-2105. Creation of Idaho outfitters and guides licensing board. There is hereby created in the department of self-governing agencies the Idaho outfitters and guides licensing board, herein referred to as "the board," consisting of four (4) members appointed by the governor, and one (1) member appointed by the Idaho fish and game commission, as provided in section 36-2106, Idaho Code.

36-2106. Appointment and qualification of members -- Organization of board. One (1) member shall be a member of the Idaho fish and game commission, or a person selected by that body. Each appointment made by the fish and game commission shall be for a term of three (3) years. One (1) member shall be selected from the public. Three (3) members of the board shall be qualified and licensed outfitters and guides who have not had less than five (5) years' experience in the business of outfitting and guiding in the state of Idaho. Each appointment shall be for the term of three (3) years and each board member shall hold office for a term of three (3) years. Upon the death, resignation or removal of any but the member representing the fish and game commission the governor shall appoint a member to fill out the unexpired term as provided in this section. Immediately upon [the creation of a vacancy] one (1) of the positions held by an outfitter or guide, either through expiration of term, death, resignation or removal, the Idaho outfitters and guides association shall submit to the governor the names of two (2) qualified persons for each such vacancy created and the appointment to fill such vacancy shall be made by the governor from the names submitted within thirty (30) days after the receipt by the governor of the names submitted. All appointments to the board made after July 1, 1986, shall be subject to the advice and consent of the senate. Appointments to fill any vacancy other than that created by the expiration of a term shall be made for the unexpired term. A majority of said board shall constitute a quorum. The board shall meet at least four (4) times a year, and at least two (2) meetings shall be held in Boise, Idaho. Each member of the board shall be compensated as provided by section 59-509(h), Idaho Code. The member representing the fish and game commission shall be paid by the fish and game commission.

36-2107. Powers and duties of board. The board which may by written agreement authorize the bureau of occupational licenses as agent to act in its interest, shall have the following duties and powers:

- (a) To conduct examinations to ascertain the qualifications of applicants for outfitter's or guide's licenses, and to issue such licenses to qualified applicants, with such restrictions and limitations thereon as the board may find reasonable.
- (b) To prescribe and establish rules of procedure to carry into effect the provisions of this chapter including, but not limited to, rules prescribing all requisite qualifications of training, experience, knowledge of rules of governmental bodies, condition and type of gear and equipment, examinations to be given applicants, whether oral, written or demonstrative, or a combination thereof.
- (c) To conduct hearings and proceedings to suspend, revoke or restrict the licenses of outfitters or guides, and to suspend, revoke or restrict said licenses for due cause in the manner hereinafter provided.
- (d) The board is expressly vested with the power and the authority to enforce the provisions of this chapter including obtaining injunctive relief and to make and enforce any and all reasonable rules which shall by it be deemed necessary and which are not in conflict with the provisions of this chapter, for the express purpose of safeguarding the health, safety, welfare and freedom from injury or danger of those persons utilizing the services of outfitters and guides, and for the conservation of wildlife and range resources.
- (e) The board shall have the power to cooperate with the federal and state government through its appropriate agency or instrumentality in matters of mutual concern regarding the business of outfitting and guiding in Idaho.
- (f) The board shall have the power throughout the state of Idaho to request the attendance of witnesses and the production of such books, records and papers as may be required at any hearing before it. The board or its hearing officer may issue and serve subpoenas or subpoenas duces tecum in a manner consistent with chapter 52, title 67, Idaho Code, the rules of the office of the attorney general, and rules 45(e)(2) and 45(g) of the Idaho rules of civil procedure. Payment of fees or mileage for service of subpoenas or attendance of witnesses shall be paid by the board consistent with the provisions of chapter 52, title 67, Idaho Code, the rules of the office of the attorney general, and rule 45(e)(1) of the Idaho rules of civil procedure. Disobedience of a subpoena or subpoena duces tecum may be enforced by making application to the district court. Disobedience by a licensee of a subpoena or subpoena duces tecum issued by the board shall be deemed a violation of a board order.
- (g) The board shall have the power to appoint an executive director to serve at the pleasure of the board. The executive director shall carry out such administrative duties as delegated to the director by the board. The board may, in its discretion, refuse, sustain or reverse, by majority vote, any action or decision of the executive director.

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The executive director shall be exempt from the provisions of chapter 53, title 67, Idaho Code, and shall receive a salary that is fixed by the board.

(h) The board shall have the power to hire enforcement agents in order to conduct investigations and enforce the provisions of this chapter. All enforcement agents appointed by the board who are certified by the Idaho peace officer standards and training advisory council, shall have the power of peace officers limited to:

1. Enforcement of the provisions of this chapter.
2. Responding to express requests from other law enforcement agencies for aid and assistance in enforcing other laws. For purposes of this section, such a request from a law enforcement agency shall mean only a request as to a particular and singular violation or suspicion of violation of law, and shall not constitute a continuous request for assistance outside the purview of enforcement of the provisions of this chapter.

(i) By August 1 of each year, the board shall provide to the director of the department of fish and game, in a manner and form prescribed by the director, the number of each species of big game taken in each management unit by clients of licensed outfitters between July 1 of the immediately preceding calendar year and June 30 of the current calendar year.

(j) The board shall by rule designate the number of deer or elk tags allocated pursuant to section 36-408(4), Idaho Code, among the authorized operating areas within the game management area, unit or zone.

36-2108. Application for license -- Contents -- Fee -- Qualifications -- Term -- Bond. (a) Each applicant for an outfitter's or guide's license shall make application for such license upon a form to be prescribed and furnished by the board.

1. All applications for an outfitter's license shall be signed by the applicant, under oath or affirmation that all information supplied by him in the application form is true and correct as he verily believes and shall be duly notarized. Such applications shall include, but are not limited to, a worded description of the boundaries of the operating area in which such activity will be conducted.
2. All applications for a guide's license shall be signed by the applicant. Such application shall contain the written endorsement of the outfitter(s) by whom the applicant will be employed.

(b) Applications shall be made to and filed with the board and, unless arrangements have been made otherwise with the board, accompanied by proof of eligibility for a bond payable to the person or persons employing the licensee and in a form approved by the board in the sum of ten thousand dollars (\$10,000) for outfitters, to be executed by a qualified surety, duly authorized to do business in this state, conditioned that for the current license year said applicant, his agents and employees, if said license is issued to him, shall conduct his business as an outfitter without fraud or fraudulent representation, and will faithfully perform his contracts with and duties to his patrons; said bond shall be filed with the board before issuance of the license as provided herein.

(c) The board, in its discretion, may make such additional investigation and inquiry relative to the applicant and his qualifications as it shall deem advisable, provided that final decision by the board upon an application submitted by an applicant who has held during the preceding license year a license of the same kind for which application is made, and upon an application submitted by an applicant not holding during the preceding license year a license of the same kind or embracing the same activity(ies) or area for which application is made, shall be made not later than the end of the license year in which the board receives all materials required to be submitted in order to complete a license application or ninety (90) days from the date the board receives all such materials, whichever is later.

(d) The applicant shall pay license, penalty, amendment and application fees to the board as hereinafter provided:

1. The license fee shall be paid prior to the issuance of a license.
2. The license fee shall be used for the investigation of applicants, for enforcement of this chapter, and for the administration costs of the board.
3. The license fee for outfitters for the 2005 license year shall be three hundred dollars (\$300) for online licensing and three hundred fifty dollars (\$350) for offline licensing; for the 2006 license year it shall be three hundred twenty-five dollars (\$325) for online licensing and three hundred seventy-five dollars (\$375) for offline licensing; for the 2007 license year it shall be three hundred fifty dollars (\$350) for online licensing and four hundred dollars (\$400) for offline licensing; for the 2008 license year it shall be three hundred seventy-five dollars (\$375) for online licensing and four hundred twenty-five dollars (\$425) for offline licensing; for the 2009 license year, and for each year thereafter, it shall be four hundred dollars (\$400) for online licensing and four hundred fifty dollars (\$450) for offline licensing; the license fee for a designated agent as defined in section 36-2102(b), Idaho Code, for the 2005 license year shall be one hundred twenty dollars (\$120) for online licensing and one hundred forty dollars (\$140) for offline

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licensing; for the 2006 license year it shall be one hundred twenty-five dollars (\$125) for online licensing and one hundred fifty dollars (\$150) for offline licensing; for the 2007 license year it shall be one hundred thirty dollars (\$130) for online licensing and one hundred sixty dollars (\$160) for offline licensing; for the 2008 license year, and for each year thereafter, it shall be one hundred forty dollars (\$140) for online licensing and one hundred sixty dollars (\$160) for offline licensing; and the license fee for guides for the 2005 license year shall be ninety-five dollars (\$95.00) for online licensing and one hundred five dollars (\$105) for offline licensing; for the 2006 license year it shall be ninety-five dollars (\$95.00) for online licensing and one hundred ten dollars (\$110) for offline licensing; for the 2007 license year it shall be one hundred dollars (\$100) for online licensing and one hundred fifteen dollars (\$115) for offline licensing; for the 2008 license year, and for each year thereafter, it shall be one hundred five dollars (\$105) for online licensing and one hundred fifteen dollars (\$115) for offline licensing.

4. A penalty fee in the amount of fifty dollars (\$50.00), which shall increase to one hundred fifty dollars (\$150) beginning January 1, 2005, may be charged in addition to the regular outfitter's license fee for any such renewal applicant whose application is not complete by the end of the outfitter's license year; this does not apply to a new applicant for an outfitter's license.

5. A seventy-five dollar (\$75.00) fee, which shall increase to two hundred dollars (\$200) beginning January 1, 2005, shall be charged for every amendment to an outfitter's license other than a minor amendment, a ten dollar (\$10.00) fee, which shall increase to thirty-five dollars (\$35.00) beginning January 1, 2005, shall be charged for every minor amendment to an outfitter's license, and a ten dollar (\$10.00) fee, which shall increase to twenty dollars (\$20.00) beginning January 1, 2005, shall be charged for every amendment to the license of a designated agent or guide.

6. The following fees shall be established annually by the board and shall be used for application related expenses: a one-time application fee for outfitters not to exceed four hundred dollars (\$400); a one-time application fee for designated agents not to exceed fifty dollars (\$50.00); and a one-time application fee for guides not to exceed ten dollars (\$10.00), the maximum of which shall increase to twenty dollars (\$20.00) beginning January 1, 2005. The board shall establish by rule a policy to refund unused application fees and shall establish by rule fees for expedited, exceptional, resubmittal or emergency processing of license applications, a fee credit for electronic filing of applications and a fee for the use of credit cards corresponding to the cost to the agency of processing the card use.

36-2109. Form and term of license -- Notice of denial. (a) Upon concurrence of a majority, the board, in its discretion may issue a license to any applicant who has filed an application in proper form with the board, including but not limited to payment of the license fee and furnishing of bond. Said license shall be in the form prescribed by the board, and shall be valid for the licensing year or years for which issued from the date issued until the end of the license year or years for which it is issued; provided, that no outfitter's or guide's license may be sold, assigned or otherwise transferred either by any holder thereof or by the operation of law except as provided in this chapter. The board may prescribe by rule that limitations or qualifications placed upon an outfitter's or guide's license as provided in this chapter shall be indicated on the face of the license or as an attachment to the license which shall be considered a part of the license.

(b) A license granted by the board including any attachment thereto shall specify the activities licensed and the exact territorial limits of the outfitter's area of operation and shall specify the species of game to be hunted. In so approving and/or licensing any outfitter's or guide's activity, the board shall consider the following matters, among others:

1. The length of time in which the applicant has operated in that area;
2. The extent to which the applicant is qualified by reason of experience, equipment or resources to operate in that area;
3. The applicant's previous safety record;
4. The accessibility of the area, the particular terrain and the weather conditions normal to that area during the outfitter's or guide's season;
5. The total amount of outfitter's area requested by any applicant giving due consideration to the effect which such area license grant would have upon the environment, the amount of game which can be harvested, and the number of persons which can be adequately served in the area.

(c) The board shall refuse to issue any license to any applicant for an outfitter's or guide's license who the board finds is not a competent person of good moral character, less than eighteen (18) years of age and does not possess a working knowledge of the game and fishing laws of the state of Idaho and the regulations of the United States forest service. The board shall also refuse to issue an outfitter's license to any applicant who the board finds does

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not have sufficient financial responsibility to conduct adequately the business of an outfitter. The board shall refuse to issue any license to a firm, partnership, corporation or other organization or any combination thereof which fails to have at least one (1) designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter. The board may also refuse to grant an outfitter's or guide's license to any applicant for violation of any of the provisions hereinafter specified in this chapter as grounds for revocation or suspension of an outfitter's or guide's license. If the application is denied, the board shall notify the applicant, in writing, of the reasons for such denial within ten (10) days and if the applicant shall correct, to the satisfaction of the board, such reasons within thirty (30) days of receipt of such notice and if, thereafter, a majority of the board concur, the board may issue a license to the applicant.

(d) No license shall be issued by the board until a majority thereof has reported favorably thereon; except, an application for a license identical to a license held during the previous year may be issued on approval by one (1) board member providing there is no adverse information on file regarding the applicant.

36-2110. Operations of licensees -- Adjustment of area -- Rules. (a) Possession of a valid license issued by the board shall be a prerequisite to acting as an outfitter or guide.

1. No more than one (1) person may operate as an outfitter or guide under one (1) license.
2. The operating area as set forth on the outfitter's license including any attachment thereto shall be the limit of such operations for each licensee, subject to subsection (b) below.

(b) The board may adjust the territorial scope of operations of any licensed outfitter, for reasons of game harvest, where territorial conflict exists between the big game operations of outfitters, or for the safety of persons utilizing the services of outfitters.

(c) The board shall adopt rules to carry out the provisions of this section.

36-2111. Disposition of funds -- Continuing appropriation. All fees collected by the board under the provisions of this chapter shall be deposited with the state treasurer in a special fund, which fund is hereby created, and designated as the Idaho outfitters and guides board fund. All moneys deposited in such fund are hereby continually appropriated to the outfitters and guides board for the purpose of conducting all operations of the board.

36-2112. Licensed outfitters may act as guides. Any natural person holding a current and valid outfitter's license may act as a guide without a guide's license if he possesses the qualifications of a guide as determined by the board.

36-2113. Revocation or suspension of license -- Grounds. (a) Every license shall, by virtue of this chapter, be subject to suspension, revocation, probation or other restriction by the board for the commission of any of the following acts:

1. For supplying false information or for failure to provide information required to be furnished by the license application form for a license currently valid or for other fraud or deception in procuring a license under the provisions of this chapter.
2. For fraudulent, untruthful or misleading advertising.
3. For conviction of a felony.
4. For two (2) or more forfeitures of any deposits of money or collateral with a court or administrative agency or for a conviction for violation of regulations of the United States forest service or the bureau of land management.
5. For unethical or unprofessional conduct as defined by rules of the board.
6. For conviction of any violation of any state or federal fish and game or outfitting and guiding laws.
7. For a substantial breach of any contract with any person utilizing his services.
8. For willfully (i) operating in any area for which the licensee is not licensed, or (ii) engaging in any activity for which the licensee is not licensed.
9. For the employment of an unlicensed guide by an outfitter.
10. For inhumane treatment of any animal used by the licensed outfitter or guide in the conduct of his business which endangers the health or safety of any guest or patron or which interferes with the conduct of his business.
11. For failure by any firm, partnership, corporation or other organization or any combination thereof licensed as an outfitter to have at least one (1) licensed outfitter as designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter.



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12. For the failure to provide any animal used by the licensed outfitter or guide in the conduct of his business with proper food, drink and shelter, or for the subjection of any such animal to needless abuse or cruel and inhumane treatment.

13. For failure of an outfitter to serve the public in any of the following ways: (i) by nonuse of license privileges as defined by rules of the board, (ii) by limiting services to any individual, group, corporation or club that limits its services to a membership, or (iii) by not offering services to the general public.

14. For violation of or noncompliance with any applicable provision of this chapter, or for violation of any lawful rule or order of the outfitters and guides board.

(b) For the purposes of this section, the term "conviction" shall mean a finding of guilt, an entry of a guilty plea by a defendant and its acceptance by the court, or a forfeiture of bail bond or collateral deposited to secure a defendant's appearance, suspended sentence, probation or withheld judgment.

(c) In addition to the penalties imposed in this section, the board may impose an administrative fine not to exceed five thousand dollars (\$5,000), or the administrative costs of bringing the action before the board including, but not limited to, attorney's fees and costs of hearing transcripts, for each violation of the provisions of this chapter.

(d) The jurisdiction and authority of the board pursuant to this section and section 36-2114, Idaho Code, extend to any former licensee for a violation of this section which occurred during the period of licensure.

36-2114. Revocation or suspension of license -- Review of denial of license -- Procedure. (a) Proceedings for the revocation or suspension of a license issued hereunder may be taken upon information and recommendation of any person. All accusations must be made in writing and signed by a person familiar therewith and submitted to the board. Thereupon, the board, acting as a board, or through its executive director, shall make a preliminary investigation of all facts in connection with such charge. The board in its discretion may either decide to take no further action and the results of such investigation shall be subject to disclosure according to chapter 3, title 9, Idaho Code, or the board may decide to initiate proceedings to suspend or revoke the license of the outfitter or guide against whom a complaint has been filed, in which case the board shall set a time and place for hearing as provided in chapter 52, title 67, Idaho Code. Notice of such hearing shall be given to the licensee against whom a citation or formal complaint has been filed not later than one hundred eighty (180) days after the filing of such citation or formal complaint. If, after full, fair and impartial hearing, the majority of the board shall find the accused has committed the violations alleged, the board may suspend the license for a period not to exceed one (1) year, or the board may order the license revoked. The board shall forthwith suspend or revoke such license in accordance with and pursuant to its order under the procedure established in chapter 52, title 67, Idaho Code.

(b) Any applicant aggrieved by a denial of his application in whole or in part for an outfitter's or guide's license by the board shall have twenty-one (21) days from the day of receiving such notice of denial in which to submit a written request for a hearing before the board to review such action. Upon receipt of such request, the board shall hold a hearing as provided in chapter 52, title 67, Idaho Code.

36-2115. Review of board action. Any person aggrieved by any action of the board in denying the issuance of or in the suspension or revocation of an outfitter's or guide's license may proceed as provided in chapter 52, title 67, Idaho Code.

36-2116. Complaint for violation -- Prosecution by county attorney. (a) The board or its designated agent may prefer a complaint before any court of competent jurisdiction in the county where the offense occurred, for a violation of: (i) the provisions of subsections (1), (2), (7), (8), or (9) of section 36-2113, Idaho Code; or (ii) any regulation promulgated pursuant to subsection (d) of section 36-2107, Idaho Code.

(b) Any person convicted of any violation enumerated in subsection (a) of section 36-2116, Idaho Code, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in section 36-2117, Idaho Code. Fifty percent (50%) of all fines and forfeitures collected shall be paid to the outfitters and guides board and such moneys so received by the board shall be deposited with the state treasurer and the state treasurer shall credit the same to the Idaho outfitters and guides board account and fifty percent (50%) of all fines and forfeitures collected shall be distributed in accordance with section 19-4705, Idaho Code.

36-2117. Penalty for violations -- Prosecuting attorney to prosecute. (1) It shall be the duty of the prosecuting attorney of each county in the state to prosecute, in the county where the violation occurs, any person charged with violating the provisions of section 36-2104 or 36-2116, Idaho Code.

(2) Any person who pleads guilty or is found guilty of a first offense for violating the provisions of section 36-2104, Idaho Code, shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than five

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thousand dollars (\$5,000), or by imprisonment in the county jail for a term not to exceed one (1) year, if other than a corporation, or by both such fine and imprisonment in the discretion of the court.

(3) Any person who pleads guilty or is found guilty of a second offense for violating the provisions of section 36-2104, Idaho Code, shall be punished by a fine of not less than two thousand five hundred dollars (\$2,500) nor more than five thousand dollars (\$5,000), or by imprisonment in the county jail for a term not to exceed one (1) year, if other than a corporation, or by both such fine and imprisonment in the discretion of the court.

(4) Any person who pleads guilty or is found guilty of a third or subsequent offense for violating the provisions of section 36-2104, Idaho Code, shall be punished by a fine of five thousand dollars (\$5,000), or by imprisonment in the county jail for a term not to exceed one (1) year, if other than a corporation, or by both such fine and imprisonment in the discretion of the court.

(5) Any person who pleads guilty or is found guilty of a violation of section 36-2116, Idaho Code, shall be guilty of a misdemeanor.

(6) All fines and penalties collected for violation of this section, under sentence or judgment of any court, shall be paid over by such court in the same manner as provided for in section 36-2116, Idaho Code. Such court shall also send to the Idaho outfitters and guides board a statement setting forth the title of the court and of the cause for which such moneys were collected, the name and residence of the defendant or defendants, the nature of the offense or offenses and the fine and the sentence or judgment imposed and such moneys so received by the board shall be deposited with the state treasurer and the state treasurer shall credit the same to the Idaho outfitters and guides board account in the dedicated fund. The court shall require any person violating the provisions of section 36-2104, Idaho Code, to reimburse the Idaho outfitters and guides licensing board or other city, county, state or federal agency for the employee costs and other costs incurred by the board or agency in the investigation and criminal prosecution of acts for violations of section 36-2104, Idaho Code.

(7) Any person who pleads guilty or is found guilty of violating the provisions of section 36-2104, Idaho Code, may, in the discretion of the court, have their license to hunt or take big game, or to fish, suspended for a period of time as determined by the court.

36-2117A. Civil penalty for violations. (a) The board or its designated agent may commence and prosecute in district court a civil enforcement action, including obtaining injunctive relief, against any person who is alleged to have violated this chapter or any rule promulgated pursuant to this chapter. The board shall not be required to initiate or prosecute an administrative action before commencing and prosecuting a civil action.

(b) No civil proceeding may be brought to recover for a violation of this chapter or any rule promulgated pursuant to this chapter more than two (2) years from the later of: the date the violation occurred or the date of the criminal conviction pursuant to section 36-2113, Idaho Code.

(c) The civil penalty for violation of the provisions of this chapter or any rule promulgated pursuant to this chapter shall not exceed five thousand dollars (\$5,000) for each separate violation.

(d) Any person who is found to have violated any provision of this chapter or any rule promulgated pursuant to this chapter shall be assessed the board's costs, including the reasonable value of attorneys' services, for preparing and litigating the case.

(e) Fifty percent (50%) of all moneys collected under this section shall be deposited with the state treasurer, and the state treasurer shall credit the same to the Idaho outfitters and guides board fund, and fifty percent (50%) of the moneys shall go to the general fund in the state operating fund.

36-2118. License a prerequisite for recovery of compensation. No person engaged in the business, or acting in the capacity, of an outfitter or guide, as defined in this chapter, within this state shall bring or maintain any action in the courts of this state for the collection of compensation for the performance of any services as such outfitter or guide, without alleging and proving that such person, partnership, or corporation was a duly licensed outfitter or guide at the time the alleged cause of action arose.

36-2119. Board orders and rules. (a) All rules and orders adopted pursuant to the provisions of this chapter shall be made in accordance with chapter 52, title 67, Idaho Code.

(b) All rules and orders made as herein provided shall have full force and effect as law and any person violating any such rule or order of the board, adopted and published as herein set forth, shall be guilty of a misdemeanor.

# IDAHO STATUTES

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**TITLE 6 - ACTIONS IN PARTICULAR CASES**  
**CHAPTER 12 - RESPONSIBILITIES AND LIABILITIES OF RECREATIONAL PARTICIPANTS**  
**AND OUTFITTERS AND GUIDES**

6-1201. Legislative purpose. Every year, in rapidly increasing numbers, the inhabitants of the state of Idaho and nonresidents are enjoying the recreational value of Idaho's mountains, rivers, and streams, many of which are remote and far removed for ordinary auto travel. The tourist trade is of vital importance to the state of Idaho, and the services offered by licensed outfitters and guides significantly contribute to the economy of the state of Idaho. The legislature recognizes that there are inherent risks in the recreational activities provided by outfitters which should be understood by each participant. These risks are essentially impossible to eliminate by outfitters and guides. It is the purpose of this chapter to define those areas of responsibility and affirmative acts for which outfitters and guides shall be liable for loss, damage, or injury, and to define those risks which the participant expressly assumes and for which there can be no recovery.

6-1202. Definitions. (a) "Outfitter" shall include any individual, firm, partnership, corporation, or other organization or any combination thereof as defined in section 36-2102(b), Idaho Code.

(b) "Guide" shall include any person defined in section 36-2102(c), Idaho Code.

(c) "Participant" shall include any person using the services of an outfitter or guide licensed under chapter 21, title 36, Idaho Code.

6-1203. Duties of an outfitter. All outfitters offering professional services in this state shall provide facilities, equipment, and services as advertised or as agreed upon between the outfitter and the participant. All services, facilities, and equipment provided by outfitters in this state shall conform to safety and other requirements set forth in chapter 21, title 36, Idaho Code, and by the rules promulgated by the Idaho outfitters and guides board created by chapter 21, title 36, Idaho Code.

6-1204. Duties of a guide. Any guide providing personal services for an outfitter in this state shall conform to the standard of care expected of members of his profession and he shall comply with all duties and requirements placed on him by chapter 21, title 36, Idaho Code, and by the rules promulgated by the Idaho outfitters and guides board created by chapter 21, title 36, Idaho Code.

6-1205. Duties of participants. It is recognized that some recreational activities conducted by outfitters and guides are hazardous to participants regardless of all feasible safety measures which can be taken. Participants shall have a duty to act as would a reasonably prudent man when engaging in recreational activities offered by licensed outfitters and guides in this state. Participants shall have a duty not to:

(a) Do any act which shall interfere with the running or operation of an outfitter's or guide's activities, when such activities conform to the rules of the Idaho outfitters and guides board and to the requirements of chapter 21, title 36, Idaho Code;

(b) Use any outfitter's or guide's equipment or facilities or services if the participant does not have the ability to use such facilities or equipment or services safely without instructions until the participant has requested and received sufficient instruction to permit safe usage;

(c) Engage in any harmful conduct, or willfully or negligently engage in any type of conduct which contributes to or causes injury to any person;

(d) Embark on any self-initiated activity without first informing the outfitter or guide of his intentions and receiving permission from the outfitter or guide to engage in such self-initiated activity.

6-1206. Liability of outfitters and guides. (a) No licensed outfitter or guide acting in the course of his employment shall be liable to a participant for damages or injuries to such participant unless such damage or injury was directly or proximately caused by failure of the outfitter or guide to comply with the duties placed on him by chapter 21, title 36, Idaho Code, or by the rules of the Idaho outfitters and guides board, or by the duties placed on such outfitter or guide by the provisions of this chapter.

(b) The limitations on liability created by this chapter shall apply only to outfitters or guides appropriately licensed under the provisions of chapter 21, title 36, Idaho Code, and only when the outfitter or guide is acting within the course of his employment. In the event that there is damage or injury to a participant by the action of an outfitter or guide, and there is no exemption for liability for such outfitter or guide under the provisions of

## **IDAHO STATUTES**

this act, the rules of negligence and comparative negligence existing in the laws of the state of Idaho shall apply.

# **IDAPA RULES**

**IDAPA 25**

**TITLE 01**

**CHAPTER 01**

**25.01.01 RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD**

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# IDAPA RULES

## TITLE 01 CHAPTER 01

### IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD

#### 25.01.01 - Rules of the Idaho Outfitters and Guides Licensing Board

##### **000. LEGAL AUTHORITY.**

Rules of the Idaho Outfitters and Guides Licensing Board have been promulgated in accordance with the Idaho Administrative Procedures Act and pursuant to authority granted in the Outfitters and Guides Act (Idaho Code, Title 36, Chapter 21). Pursuant to Section 36-2107, Idaho Code, the Board offices shall be located at 1365 N. Orchard, Suite 172, Boise, Idaho 83706. The Board's normal working hours are from 8 a.m. to 5 p.m. Mountain Time zone. The Board's telephone number is (208) 327-7380 and the FAX number is (208) 327-7382. The Board shall accept electronic signatures including facsimile signatures and other electronic signatures to the extent the Board's electronic equipment is able to receive and process such signatures. (3-30-01)

##### **001. TITLE AND SCOPE.**

The purpose is: (7-1-93)

**01. Criteria.** To establish criteria, guidelines, and policies for the implementation, administration, and enforcement of the Act. (3-1-86)

**02. Uniform Standards.** To establish uniform standards for licensing outfitted and guided activities in Idaho in order to protect, enhance, and facilitate management of Idaho's fish, wildlife, and recreational resources.(3-1-86)

**03. Adequate Protection and Enhancement.** To provide for adequate protection and enhancement of public health, safety, welfare, and enjoyment from the use of Idaho's fish, wildlife, and recreational resources. (3-1-86)

**04. Other.** And for other purposes. (3-1-86)

**05. General.** The Outfitters and Guides Act and these Rules apply to all those who for compensation provide facilities, equipment, or services for the conduct of hunting, fishing, boating, or hazardous excursions, whether the compensation is in the form of cash, goods, or services. (3-1-86)

##### **002. DEFINITIONS.**

The Act defines certain terminology applicable to its interpretation and administration (Idaho Code 36-2102). Further definitions, for the purposes of these Rules are: (4-1-92)

**01. Act.** Shall mean Idaho Code, Title 36, Chapter 21, commonly known as the Outfitters and Guides Act, as amended. (4-1-92)

**02. Administrative Noncompliance.** (3-10-03)

**a.** Two (2) or more repeated failures to apply for license renewal in a timely manner; or (3-10-03)

**b.** Two (2) or more repeated failures to file a complete application pursuant to Section 36-2113(a)(1), Idaho Code. (3-10-03)

**03. Authorized Person.** An investigator or enforcement agent in the employ of the Board, a conservation



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officer of the Idaho Department of Fish and Game, or any local, state, or federal law enforcement officer. (4-1-92)

**04. Board.** The Idaho Outfitters and Guides Licensing Board.(4-1-92)

**05. Board Meeting.** The set schedule of meeting dates established for conduct of regular Board business on a calendar year basis. Additional meetings may be scheduled as necessary (See Section 071). (4-1-92)

**06. Booking Agent.** Any individual, firm, business, partnership, or corporation that makes arrangements for the use of the services of a licensed outfitter and receives compensation therefore. A booking agent does not supply personnel or facilities and services to outfitter clientele. (4-1-92)

**07. Compensation.** The receipt or taking of goods, services, or cash in exchange for outfitted or guided activities. A bona fide charging of out-of-pocket travel expenses by members of a recreational party shall not be deemed compensation. However, such out-of-pocket expenses may not include depreciation, amortization, wages, or other recompense. (4-1-92)

**08. Completed Application.** An application submitted for Board consideration which contains all of the material required to be submitted by the Board for that license category. (4-1-92)

**09. Consideration.** The receipt or taking of goods, services, or cash in exchange for the provision of facilities and services in the conduct of outfitted or guided activities. (4-1-92)

**10. Desert.** A region of scarce rainfall and vegetation in areas often having great differences between day, night and seasonal temperatures. A desert is a land surface ranging from level, plateau land, or undulating to sharply breaking hill-lands and sand dunes that, in addition, may be broken by poor to well-defined, deeply entrenched drainage systems, rims, cliffs, and escarpments. (4-1-92)

**11. Designated Agent.** An individual who meets all qualifications for an outfitter's license who is employed as an agent by any person, firm, partnership, corporation, or other organization or combination thereof that is licensed by the Board to operate as an outfitter and who shall, together with the licensed outfitter, be responsible and accountable for the conduct of the licensed outfitter's operations. A designated agent may act as a guide if he possesses the qualifications of a guide as determined by the Board. (Previously referred to as Managing Agent). (4-11-06)

**12. Drift Boats.** Shall be substituted for and have the same meaning as "float boats" defined below. (4-1-92)

**13. Enforcement Agent.** An individual employed by the Board having the power of peace officers to enforce the provisions of the Idaho Outfitters and Guides Act (Idaho Code, Title 36, Chapter 21) and the Rules promulgated thereunder. (4-1-92)

**14. Facilities and Services.** The provision of personnel, lodging (tent, home, lodge, or hotel/motel), transportation (other than by commercial carrier), guiding, preparation and serving of food and equipment, or any other accommodation for the benefit of clientele in the conduct of outdoor recreational activities as designed in Section 36-2102(b), Idaho Code. (4-1-92)

**15. First Aid Card.** A valid card issued by the American Red Cross to denote the individual whose name and signature appear thereon has successfully completed an applicable Red Cross course and is qualified to render appropriate, minimal first aid as prescribed by the American Red Cross, or other valid evidence showing successful completion of an equivalent course conducted by an organization acceptable to the Board. (4-1-92)

**16. Fishing.** Fishing activities on those waters and for those species described in the rules of the Idaho

# IDAPA RULES

Department of Fish and Game, IDAPA 13.01.11, "Rules Governing Fish," general fishing seasons and any anadromous fishing rules; for purposes of the "Act," fishing is defined as follows: (4-1-92)

- a. Anadromous fishing means fishing for salmon or steelhead trout. (4-1-92)
  - b. Float boat fishing means the use of floatboats without motors for the conduct of fishing as a major activity on those waters open to commercial activities as set forth in Section 059.(4-1-92)
  - c. Fly fishing means a licensed activity restricted to the use of fly fishing equipment and procedures, as defined by Idaho Department of Fish and Game rules. (4-1-92)
  - d. Incidental fishing means fishing conducted as a minor activity. (4-1-92)
  - e. Power boat fishing means the use of power boats in conduct of fishing as a major activity on those Idaho waters open to commercial outfitting activities as set forth in Section 059.(4-1-92)
  - f. Walk and wade fishing means fishing conducted along or in a river, stream, lake or reservoir, and may include the use of personalized flotation equipment, but does not include the use of watercraft. (4-1-92)
- 17. Float Boats.** Watercraft (inflatable watercraft, dories, drift boats, canoes, catarafts, kayaks, sport yaks, or other small watercraft) propelled by, and moving with the stream flow, maneuvered by oars, paddles, sweeps, pike poles or by motors for downstream steerage only. Downstream steerage does not include holding or upstream travel of a watercraft with a motor. Excluded as float boats are personal flotation devices, innertubes, air mattresses, or similar devices. (4-1-92)
- 18. Guide.** An individual who meets the criteria as set forth in Idaho Code 36-2102(c), and has further met the required qualifications as prescribed in the Rules to provide professional guided services to clientele in the pursuit and conduct of licensed activities. (4-1-92)
- 19. Guide License.** A license issued by the Board to an individual who is employed by a licensed outfitter to furnish personal services for the conduct of outdoor recreational activities as defined in Idaho Code 36-2102(c). (4-1-92)
- 20. Hazardous Excursions.** Outfitted or guided activities conducted outside municipal limits in a desert or mountainous environment which may constitute a potential danger to the health, safety, or welfare of participants involved. These activities shall include, but are not limited to: day or overnight trailrides, backpacking, technical mountaineering/rock climbing, cross-country skiing, backcountry alpine skiing, llama and goat packing, snowmobiling, survival courses, and motored and non-motored cycling, but does not include wagon rides or sleigh rides. (3-10-03)
- 21. He/His/Him.** Shall mean either the male or female gender.(4-1-92)
- 22. Hunting.** The pursuit of any game animal or bird and all related activities including packing of client camp equipment, supplies, game meat and clients to and from a hunting camp. (3-30-01)
- 23. Incidental Activity.** Shall be and is the same as a minor activity. (4-1-92)
- 24. Minor Amendment.** All outfitter license amendment requests that can be processed by the Board without requiring outside research or recommendation of a land managing agency or other agency before the Board takes final action on said amendment request. (4-11-06)
- 25. Investigator.** An individual employed by the Board to monitor compliance with the provisions of the Outfitters and Guides Act (Idaho Code, Title 36, Chapter 21) and Rules promulgated thereunder and issue warning tickets for violations thereof. An investigator shall not have arrest powers nor any other power of a peace officer. (4-1-92)

# IDAPA RULES

**26. Major Activity.** A licensed activity, the nature of which requires a significant commitment of time and effort by an outfitter in its execution and is intended to provide a significant amount of income to an outfitter. (4-1-92)

**27. Major Amendment.** All outfitter license amendment requests requiring Board research or recommendation of a land management agency or other agency before the Board takes final action on the amendment request. (4-1-92)

**28. Minor Activity.** A licensed activity the nature of which must be carried out in conjunction with a major activity, but is not the primary purpose of the excursion. (3-15-02)

**29. Mountainous.** A region receiving limited to abundant annual precipitation with an associated vegetative cover of grass, weeds, shrubs, or trees. Cool summer temperatures and cold winter temperatures prevail. A mountainous area is a land surface ranging from level to gently rolling low hills to elevated lands that are often broken with poor to well-developed, deeply entrenched drainage systems, rims, cliffs, and escarpments to steep-sided land masses of impressive size and height. (4-1-92)

**30. New Opportunity.** A proposed commercial outfitted activity to be conducted in an area where no similar commercial outfitted activity has been conducted in the past. (4-1-92)

**31. Nonresident.** An individual, corporation, firm, or partnership who is not a resident of the state of Idaho. (See "Resident"). (4-1-92)

**32. Operating Area.** The area assigned by the Board to an outfitter for the conduct of outfitting activities. (4-1-92)

**33. Operating Plan.** A detailed schedule or plan of operation which an outfitter proposes to follow in the utilization of licensed privileges, areas, or activities. (See Subsection 018.03). (4-1-92)

**34. Outfitter.** An individual, corporation, firm, partnership, or other organization or combination thereof that meets the criteria as set forth in Idaho Code 36-2102(b), and has further met the required qualifications as prescribed in the Rules to conduct an outfitting business in Idaho. (4-1-92)

**35. Outfitter License.** A license issued by the Board to an individual, partnership, corporation, or other duly constituted organization to conduct activities as defined in Section 36-2102(b), Idaho Code. The conduct of an outfitted operation on any land(s) is not authorized unless signed permission, a permit, or a lease is obtained from the land owner(s), or their agent(s), and filed with the Board. (3-15-02)

**36. Out-of-Pocket Costs.** The direct costs attributable to a recreational activity. Such direct costs shall not include:  
(4-1-92)

- a. Compensation for either sponsors or participants;  
(4-1-92)
- b. Amortization or depreciation of debt or equipment; or  
(4-1-92)
- c. Costs of non-expendable supplies. (4-1-92)

**37. Power Boats.** All motorized watercraft used on Idaho waters open to commercial outfitting activities as set forth in Subsections 059.01 and 059.02. Excluded as power boats are hovercraft, jetskis or similar devices, and float boats using motors for downstream steerage. (4-1-92)

# IDAPA RULES

**38. Relinquishment of License Privileges.** The failure to re-apply at the expiration of a license; the loss through nonuse, inactivity, revocation, or voluntary surrender of a license; or other loss of license. (See Subsection 030.03).

(3-23-98)

**39. Resident.** An individual, corporation, firm, or partnership who has resided in the state of Idaho for a period of six (6) months next preceding the time of application for license.(4-1-92)

**40. Rules.** The Rules of the Board. (4-1-92)

**41. Stay of Board Action.** An order, pursuant to Idaho Code 67-5215(c), stopping or delaying the enforcement of a Board decision, order or action. (4-1-92)

**42. Third Party Agreement.** The allowing of the conduct of an outfitted or guided activity by the outfitter licensed to conduct those activities by any persons not directly employed by said outfitter. (See Section 023). (4-1-92)

**43. Trainee.** A person not less than sixteen (16) years of age who does not possess the necessary experience or skill qualifications required to obtain a guide license, but who is working toward obtaining the necessary experience or skill qualifications. This required training shall be recorded on a form provided by the Board. A trainee may not provide any direct guiding services for clients, but may assist while under direct supervision. (5-1-95)

**44. Boat Trainee Under Supervision.** A boat trainee must be in a boat operated by a licensed boatman, or one in which the operation is closely monitored by a licensed boatman. The licensed boatman need not be in the same boat during training as long as the trainee's activity is closely monitored. (3-10-03)

**45. Unethical/Unprofessional Conduct.** Any activity(ies) by an outfitter or guide which is inappropriate to the conduct of the outfitting or guiding profession. These activities include, but are not limited to: (3-30-01)

a. An outfitter employing an unlicensed guide;  
(3-30-01)

b. Providing false, fraudulent or misleading information to the Board; (3-30-01)

c. Failure to obey an order of the Board; (3-30-01)

d. Failure to provide services as advertised or contracted; (3-30-01)

e. Harassment of the public in their use of Idaho's outdoor recreational opportunities; (3-30-01)

f. Violation of state or federal fish and game laws;  
(3-30-01)

g. Engaging in unlicensed activities or conducting outfitter/guide services outside the operating area for which the licensee is licensed; (3-30-01)

h. Disregard for the conservation, maintenance or enhancement of fish, game, land and water resources;  
(3-30-01)

i. Failure to pay a supplier of goods or services to the outfitter business; (3-15-02)

j. Failure to pay state taxes; or (3-15-02)

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- k.** Operating in a manner which endangers the health, safety, or welfare of the public. (3-30-01)
- l.** Selling lifetime excursions, lifetime hunts, or selling of outfitted activities to an individual for the life of that individual and collecting fees accordingly. (4-11-06)
- 46. Validated Training Form.** An approved form bearing the “Great Seal of the State of Idaho” and the official stamp of the Board affixed thereon. (4-1-92)
- 47. Watercraft.** A boat or vessel propelled mechanically or manually, capable of operating on inland water surfaces. Excluded as watercraft are hovercraft, jetskis, personal flotation devices (PFD's), or similar devices. (4-1-92)

## **003. QUALIFICATIONS.**

An applicant for an outfitter and/or guide license must:  
(3-1-86)

- 01. Age.** Be at least eighteen (18) years of age. (3-1-86)
- 02. First Aid.** For a guide, or for an outfitter who wishes to guide, have a first aid card and be aware of general emergency procedures. (3-1-86)
- 03. Knowledge.** Have extensive, first-hand knowledge of the area and/or waters and/or activities involved in his proposed operation. When the application includes big game hunting, he must know the habits of the game sought and hunting techniques that are successful in the area, be able to care for meat and trophies, and be familiar with applicable game and firearm laws. (3-1-86)

## **004. LICENSE REQUIREMENTS.**

Idaho law (Idaho Code, Title 36, Chapter 21) requires that: (10-15-88)

- 01. License.** An outfitter and/or guide license must be secured and in the possession of the licensee before commencing outfitting, guiding, or acting in any capacity as an outfitter or guide. The submission of a license application does not fulfill this requirement. (10-15-88)
- 02. Activities.** An outfitter's license shall have set forth upon its face or an attachment thereto the operating area and the specific activities including client and harvest limitations or restrictions which the licensee is authorized to conduct.  
(3-23-98)
- 03. Other.** A guide license shall specify the activities for which the licensee is qualified to guide. The licensee shall guide only within the operating area and for activities covered by the employing outfitter's license (see Section 032). The employing outfitter(s)' operating area description shall not be attached to a guide license.  
(10-15-88)

## **004. Restrictions.** It be deemed unlawful and a misdemeanor for any person to: (10-15-88)

- a.** Engage in the occupation of guiding unless said person is employed by a licensed Idaho outfitter and possesses a valid guide license issued by the Board; or (10-15-88)
- b.** Knowingly and willingly conspire to violate the provisions of Idaho Code, Title 36, Chapter 21, or the Rules promulgated thereunder. (10-15-88)

## **005. LICENSE PRODUCTION.**

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A license must be in possession of the licensee while engaged in outfitting or guiding and must be produced upon the request of an authorized person. (5-1-95)

## **006. FIRST AID KIT.**

A first aid kit shall be present and available on every outfitted excursion. (5-1-95)

## **007. LICENSE RESTRICTIONS.**

A license issued by the Board shall, for an outfitter license, specify the operating area and all activities for which the outfitter is licensed; for a guide license, specify all activities for which a guide is qualified to guide and shall indicate the outfitter(s) who signed the guide license application as the employing outfitter(s); and identify such limitation(s) or qualification(s) as may be imposed by the Board in issue of said license. (10-15-88)

**01. Restriction.** An outfitter shall not conduct any activities not specified on the outfitter license, nor operate in any area(s), nor on any water(s) for which he is not licensed. (10-15-88)

**02. Qualified.** All outfitters must be qualified to guide or have in their employment a licensed guide or guides who are qualified for the activity(ies) for which the outfitter is licensed.(10-15-88)

**03. Review.** An outfitter's qualifications to guide shall be reviewed by the Board, and, if approved, he will be issued both an outfitter and guide license at no additional fee. (10-15-88)

**04. Guide Restrictions.** A guide shall not guide for any activity(ies), or on any water, or in any operating area for which his employing outfitter is not licensed. (5-1-95)

**05. Qualifications.** The qualification(s) of an outfitter or guide licensee shall be determined in accordance with Idaho Code, Title 36, Chapter 21, and Rules promulgated thereunder. (10-15-88)

**06. Limitation.** A limitation in number of clientele served, operating area, or any other criteria affecting the safety, health, and welfare, of the public or viability of the fish, and wildlife, or other natural resources shall be imposed in licensing where such limitation is deemed necessary by the Board in accordance with Idaho Code, Title 36, Chapter 21, and the Idaho Outfitters and Guides Licensing Board Rules. (10-15-88)

**07. Notification.** An outfitter shall notify the Board: (10-15-88)

**a.** When an outfitter permanently terminates the services of a licensed guide during the season, the Board shall be notified within fifteen (15) days, stating the date of termination. (10-15-88)

**b.** When an outfitter employs a licensed guide who is not currently licensed under his outfitter's license, said outfitter shall notify the Board within fifteen (15) days. (4-11-06)

**c.** The above requirements shall not apply in the case of a temporary employment, or short term "loan" or transfer (less than fifteen (15) days duration and not on a routine basis) of a guide between outfitters, or termination of employment of a guide upon completion of the seasonal activity for which the guide was employed. When there is a loan or transfer, the employing outfitter or authorized agent shall keep written documentation of the loan or transfer and dates and times. Repeated transfers or loans of guides are required to be done by using the amendment process. (4-11-06)

**d.** In addition, an outfitter may employ an individual to guide for ten (10) days or for one (1) excursion, whichever is less, using a letter of authorization provided by the Board. With the exception of a current first-aid card, the individual shall be otherwise fully qualified to provide guiding services in the area and for the activity guided. The employing outfitter shall certify to the Board prior to employment that the individual is qualified and may only use one (1) individual in this manner per license year. (4-11-06)

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## **008. EMPLOYMENT OF OUTFITTERS.**

An outfitter may guide for another outfitter or rent or lease equipment or services as follows: (10-15-88)

**01. Other Outfitter.** An outfitter may guide for another outfitter when properly employed by that outfitter, provided that both the employee and employer licenses contain a statement indicating Board approval for such guiding to occur. (10-15-88)

**02. Other.** If an outfitter is employed to guide activities not covered by his own guide license, he must first submit his qualifications to the Board for approval along with the certification required from the employing outfitter prescribed in Subsection 034.02. (10-15-88)

**03. No Sharing of Profits.** While an outfitter is employed as a guide by another outfitter, there shall be no sharing of profits or equipment and/or animals other than leased equipment and/or leased animals. An outfitter when employed as a guide may only render personal services as would any other guide. (10-15-88)

**04. Agreement.** When an outfitter utilizes equipment from another outfitter or a guide in the provision of facilities, services and transportation to clientele, a written notice of usage shall be filed with the Board including a current certificate or proof of non-owner liability insurance. (3-10-03)

## **009. (RESERVED).**

## **010. COMPLIANCE WITH LAWS.**

All licensees must comply with all local, state, and federal laws; they must at all times cooperate fully with private landowners, public land management agencies, and/or stockmen and respect their rights and privileges; they must advise clients of all applicable conservation and game laws and must not condone or willfully allow their violation; they must report all violations to a law enforcement officer. In instances where violations of local, state, or federal laws have occurred, such violations will be handled in accordance with the following discretionary criteria: (3-1-86)

**01. Violations.** An applicant who has never held an outfitter or a guide license and who has been convicted of a violation of local, state, or federal law may be required to appear before the Board. Each such conviction will be appraised and a decision to approve or deny the application will be based upon the nature and the circumstances of the violation. (3-1-86)

**02. Examination by Board.** When a license holder is convicted of a violation of local, state, or federal law, the Board will examine the nature of the violation and the circumstances in determining whether or not a hearing shall be held for the purpose of restricting, suspending or revoking the outfitter or guide license or imposing an administrative fine for any violation. Any such violator may be required to appear before the Board before a license will be issued for the following year. (3-1-86)

## **011. PRIVATE MEMBERSHIP.**

An outfitter license shall not be issued to any individual, group, corporation, or club which limits its services to a membership or does not offer services to the general public. A group, corporation, or club formed in a manner so as to solicit participation from the general public and to provide services on a guided and/or paid basis beyond a sharing of expenses shall be required to comply with the provisions of the Outfitters and Guides Act (Idaho Code, Title 36, Chapter 21). (3-1-86)

## **012. OUTFITTER RESPONSIBILITIES.**

An outfitter shall be responsible for: (9-1-90)

**01. Camps.** Maintaining neat, orderly, and sanitary camps at all times. (9-1-90)

**02. General.** Providing clean, fresh drinking water, protecting all food from contamination, and disposing of all garbage, debris, and human waste in the manner prescribed by regulations concerning use of private and

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public lands.  
(9-1-90)

**03. Livestock Facilities.** Ensuring that livestock facilities are kept separate from camp facilities, and that streams are protected from contamination. (9-1-90)

**04. Actions.** The actions of all guides, and other persons, while in the scope of their employment. (9-1-90)

**013. APPLICATION FORMS.**

The Board shall prescribe the form and content of applications for licenses and may require any information reasonably necessary to carry out the intent of the Act. Every section of the application must be completed in detail unless it does not apply to the type of license requested. The Board will not review incomplete applications. (10-30-73)

**014. RESIDENCY.**

An applicant for either an outfitter or a guide license shall declare a residency status and indicate such on the application.(3-1-86)

**015. ANNUAL DATE, MULTIPLE YEARS, FEES, AND PAYMENT.**

**01. Annual Dates.** (3-20-04)

**a.** All outfitter and designated license applications must be completed and received by the Board by January 31 of each year.(3-20-04)

**b.** All outfitter applications and designated agent applications received by the Board after January 31 that are not complete will be subject to special processing fees.  
(3-20-04)

**c.** The last day of the license year for all licenses is March 31 of each year. (3-20-04)

**d.** Guide license applications may be submitted at any time during the year. (3-20-04)

**02. Outfitter and Designated Agent Penalty Fee.** When a completed renewal application is filed with the Board after the last day of the license year, the following penalty shall apply:(4-11-06)

**a.** A completed application received by the Board the last day of the license year - no penalty fee shall apply.  
(4-11-06)

**b.** A completed application received by the Board after the last day of the license year - a penalty fee shall be paid before the license is issued. (4-11-06)

**03. License Lapsed and Relinquished.** A completed outfitter application received by the Board after ninety (90) days after the last day of the license year will not be accepted for licensure. The license will have lapsed and therefore is void and vacated. If a completed application is not received by the Board by ninety (90) days after the last day of the license year, the license is relinquished. (3-10-03)

**04. Refund of Unused One Time Application Fees.** All unused portions of one (1) time new outfitter, new designated agent, or new guide application fees shall be returned to the applicant. (3-19-99)

**05. Multiple Year Licenses.** (3-20-04)

**a.** Beginning in license year 2004, outfitter and designated agent licenses may be issued for a one (1) year or three (3) year period. All new applicants must be licensed for two (2) years before the applicant may apply



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for a three (3) year license. (3-20-04)

**b.** License fees shall be prorated based on the number of years for which the applicant is licensed. The multiyear license fee may be transferred to the bona fide purchaser of an outfitter business. Bona fide purchasers of an outfitter business will be credited for annual license fees for prorated years remaining with a business at the time of the purchase.

(3-20-04)

**c.** The multiple year fee must be paid at the time of renewal and prior to the beginning of the license period. This does not relieve a licensed outfitter from submitting annual reports and use reports, and annual bonding and insurance requirements. (3-20-04)

**d.** There shall be no reimbursement of fees should the license become revoked or relinquished. (3-20-04)

**e.** Outfitters must submit renewal applications no later than January 31 prior to the subsequent license period.

(3-20-04)

## **06. Payment.** (4-11-06)

**a.** Prior to the issuance of a license, an applicant must submit the appropriate fee in the form of a certified check, cashier's check, money order, outfitter's company check or use of outfitter and designated agent credit cards. (4-11-06)

**b.** The applicant must pay an annual license fee for each license issued, submit annual use reports for each license, and be able to differentiate between each business and its clients. (4-11-06)

**c.** Designated Agents must pay an annual license fee for each license issued. (4-11-06)

**d.** Guides must pay an annual license fee for a license but that license can be amended to include more than one (1) outfitter.(4-11-06)

**07. Expedited or Emergency Application Fees.** The fee for expedited or emergency applications for which there is a request to have the application pulled forward before other applications and have it processed and a license issued within seven (7) days of receipt of the application shall be: (3-16-04)

**a.** One hundred fifty dollars (\$150) for an outfitter license;(3-16-04)

**b.** Seventy-five dollars (\$75) for a designated agent license; and (3-16-04)

**c.** Fifty dollars (\$50) for a guide license. (3-16-04)

**08. Resubmittal, Exceptional or Special Processing of Application.** The fee for resubmittal, exceptional or special processing of an application that is incomplete, or for other reasons for which the Board is otherwise unable to process the application shall be: (3-16-04)

**a.** One hundred dollars (\$100) for an outfitter license; (3-16-04)

**b.** Seventy-five dollars (\$75) for a designated license; (3-16-04)

**c.** Fifty dollars (\$50) for a guide license; and (3-16-04)

**d.** Five dollars (\$5) for allocation fee recovery.  
(3-16-04)

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**09. Fees Associated With the Filing of Applications.** There shall be a credit for online and electronic filing of applications, and a fee for the use of credit cards corresponding to the cost to the agency for processing the card pursuant to Section 36-2108, Idaho Code. (3-16-04)

**a.** Twenty dollars (\$20) for an outfitter license;  
(3-16-04)

**b.** Seven dollars (\$7) for a designated agent license; and (3-16-04)

**c.** Five dollars and twenty-five cents (\$5.25) for a guide license. (3-16-04)

## **016. REFERENCE REQUIREMENTS.**

When an outfitter applicant has not been licensed within the previous five (5) years, he must include as references:  
(5-1-95)

**01. Five People.** The names and addresses of five (5) people, not related to the applicant, who have known him for at least five (5) years, three (3) of whom have knowledge of the applicant's qualifications to act as an outfitter; and two (2) of whom shall be bank or credit references. (5-1-95)

**02. Two Recent Employers.** The applicant must also include the names and addresses of his two (2) most recent employers and dates of employment with each. (3-1-86)

## **017. REVIEW OF OUTFITTER APPLICATIONS.**

An outfitter application requesting activities and operating areas identical to a license held the previous year will be reviewed thirty (30) days from the date all materials required for a complete application are received. An application requesting activities or areas in addition to those licensed the preceding license year, or an initial application, will be reviewed ninety (90) days from the date all materials are received. (3-10-03)

## **018. NEW OUTFITTER OR OUTFITTER LICENSE AMENDMENT APPLICATION.**

In order to be complete, a new outfitter license or outfitter license amendment application, or new landowner signoff in existing areas must, in addition to all other requirements:  
(3-15-02)

**01. Signed.** Be signed by the applicant. A new outfitter license application must be signed under oath before a notary public and be accompanied by a bond on a form approved by the Board. (3-23-98)

**02. Other Signatures.** Include the signatures of:  
(9-1-90)

**a.** The affected state and federal land managers in all areas where an outfitter plans to utilize lands administered by the state or federal government (this may involve memorandum of understanding procedures as applicable to proposed operation on national forest or public domain lands); and,(9-1-90)

**b.** Private land owners, or their agents, where an outfitter applicant proposes to use such private lands in his operation. (9-1-90)

**03. Operating Plan.** Include an operating plan. The operating plan shall include, among other things, the following: (9-1-90)

**a.** A list of the activities to be conducted in the operating area(s) requested. (9-1-90)

**b.** A detailed map showing the operating area(s) requested for each activity and a worded description of the boundaries of said operating area(s), described in terms of rivers, creeks, and ridges with prominent reference coordinates (section, township, and range). (9-1-90)

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- c. An outfitter whose operation is solely on rivers, streams, lakes or reservoirs should specify put-in and take-out points but need not send maps. (9-1-90)
- d. A detailed description of how and when each operating area(s) will be used for each activity. (9-1-90)
- e. The proposed number of guests intended to be accommodated for each activity within the proposed operating area(s). (9-1-90)
- f. A list of the names and locations of camps that will be used for each activity, and whether on public or private land.(9-1-90)
- g. A list of the basic equipment, facilities, and livestock, and proof of financial capability necessary to conduct the proposed outfitted activity or business. (9-1-90)
- h. The number, title (guide, lead guide, etc.), and principal activities of individuals to be employed in the business operation. (9-1-90)
- i. A plan to assure the safety and provide for emergency medical care of guests. (9-1-90)

**04. Hearing.** If more than one (1) applicant submits a complete application with landowner signoff(s), a hearing will be held to decide the successful applicant. (3-15-02)

**05. Existing Operating Area.** A licensed outfitter may be given priority for any opportunities within the outfitter's existing operating area boundaries. (3-15-02)

## **019. DESIGNATED AGENT.**

When the applicant is a corporation, firm, partnership, or other organization or combination thereof, a supplemental form shall be completed and it shall designate at least one (1) designated agent who is a qualified outfitter who shall be responsible for the outfitting business. The outfitter business and designated agent(s) must each make application and obtain licenses. Proof of a bond must be submitted to the Board to complete a renewal application. Any new applicant who has been approved by the Board must submit a bond prior to the issuance of a license. (4-11-06)

## **020. EXAMINATION.**

All new applicants applying for an outfitter or designated agent license will be required to take a written and/or oral examination on the Act, the Rules, and general outfitting procedures. If the applicant fails the test, he may retake it after a fifteen (15) day waiting period. If he fails it a second time, the application for that license year will be denied due to an insufficient knowledge of matters essential to the conduct of an outfitter operation. (3-1-86)

## **021. EVALUATION OF THE OUTFITTER APPLICATION.**

In evaluating an outfitter application for approval or denial, the Board shall consider, but not be limited to, the following criteria:(3-1-86)

**01. Compliance.** Applicant compliance with qualification criteria as prescribed in the Act and the Rules. (3-1-86)

**02. Need for Services.** The public need for the proposed service(s) in the area requested on the application. (3-1-86)

**03. Other.** The extent of the applicant's experience, knowledge, and ability in the area and in the conduct of activities requested. (3-1-86)

**04. Equipment and Resources to Operate.** The applicant's qualifications by reason of equipment or

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resources to operate. (3-1-86)

**05. Previous Record.** The applicant's previous record. (3-1-86)

**06. Accessibility of Area.** The accessibility of the area and use by the general public, the commercial use already licensed in the area, the particular terrain, and normal weather conditions during the season of operation. (3-1-86)

**07. Area Requested.** The total amount of area requested, giving due consideration to the effect such license would have upon the environment, the amount of game available to be harvested, the probable impact on the area should additional licenses be issued, and the number of persons who can be adequately served in the area.(3-1-86)

**08. Operating Plan.** The adequacy and acceptability of the proposed operating plan. (3-1-86)

**a.** The applicant's knowledge of financial and business management needs and practices. (3-1-86)

**b.** The applicant's ability to manage and direct personnel and guests. (3-1-86)

**09. Name.** The name registered as a d.b.a. (doing business as), or the name of the business entity, registered with the Secretary of State. (4-11-06)

## **022. ISSUANCE OF AN OUTFITTER LICENSE.**

When the Board issues an outfitter license, said license shall specify the activity(ies) for which the applicant is licensed, designate specific operating area(s) for each activity, and be based on an operating plan acceptable to the Board. In order to safeguard the health, safety, and welfare of the public and for the conservation of wildlife resources, the Board may place a limit on the number of outfitter licenses issued within an operating area. An outfitter may not operate in an area for which there is no landowner or land manager statement where applicable. The outfitter shall operate only under the names licensed by the Board and under no other names. An outfitter business that is a corporation, partnership, LLC or LLP must have a Designated Agent in order to be licensed and to operate. (4-11-06)

## **023. THIRD PARTY AGREEMENTS.**

An outfitter shall not sublet or enter into any third party agreements involving the use of his activity(ies), operating area(s), or license. (10-15-88)

**01. Employed.** No licensed outfitter shall allow any person to conduct any of the activities for which he is licensed unless said person is employed directly by the outfitter as a guide.(10-15-88)

**02. No Activities.** No person shall conduct any outfitted activities for or on behalf of a licensed outfitter unless said person is directly employed as a guide by the outfitter to whom the operating area(s) and activity(ies) are licensed. (10-15-88)

**03. Other Activities.** Any arrangement wherein an outfitter licensed to conduct outfitted activity(ies) in an operating area(s) knowingly allows, condones, or otherwise abets and supports the conduct of outfitting activity(ies) by another, wherein said outfitter does not assume full and complete responsibility for all clients booked for such activity(ies), shall constitute an unlawful third party agreement. Complete responsibility includes providing liability insurance to cover the client, collection of fees paid for the activity(ies), payment of user fees and taxes, and making the client aware as to who is the responsible outfitter(s). Such unlawful activity(ies) shall be grounds for discipline as unethical and unprofessional conduct in addition to any other penalties which may be assessed for violations of these Rules or the laws of the state of Idaho. (10-15-88)

**04. Booking Agent.** This Rule shall not be deemed to apply to the conduct of a booking agent nor to an

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agreement between two (2) or more outfitters in which the outfitters provide services to the same party or parties within their respective operating areas. (10-15-88)

## **024. STANDARDS FOR NON-USE.**

An outfitter license is a publicly issued license enabling the holder to provide outfitted and guided services to the public. Because many outfitters operate on public lands and waters, there is an expectation that these services be provided adequately and that the public's natural resources are utilized appropriately. It is important to determine whether the outfitter is providing, or attempting to provide, the public service intended. It is recognized that there are various factors outside the control of an outfitter that may affect an outfitter's business operation. This rule establishes the process used by the Board to monitor the use of outfitter assigned activities and operating areas, to determine the causes for outfitter inactivity, and to fairly administer identified remedies when this service is inadequately provided or the resource is inadequately used. The Board will prioritize the need for action on non-use based on, among other factors, interest or demand for the particular activity or area. (4-11-06)

**01. Requirement.** The Board may annually review the outfitter's use reports for the preceding three (3) years to determine whether any licensed activity or operating area fall within non-use. If the outfitter falls within non-use, a "notice of non-use" may be issued to the outfitter. (4-11-06)

## **02. Definitions.** (4-11-06)

**a.** Non-use. When an outfitter is making zero (0) or negligible use of major licensed activities for any two (2) of the three (3) preceding years unless the lack of use is due to an act of nature or because of state or federal agency restrictions on hunting or fishing that limit the ability of the outfitter to seek and accommodate clients; (4-11-06)

**b.** Zero (0) use. No recorded use by an outfitter of their licensed area or activities; (4-11-06)

**c.** Negligible use. An unreasonable lack of use as determined by the Board for any one (1) or more of the particular activities in the assigned operating area. Typically, use may be determined by comparison of use levels for the same activity(s) in similar operating areas. Other factors in determining use are found in Subsection 024.04. (4-11-06)

## **03. Process.** (4-11-06)

**a.** Outfitters are required to submit use reports each year during the license renewal. (4-11-06)

**b.** A "notice of non-use" may be issued to an outfitter who appears to be in non-use. The notice shall include the activity(s) and operating area(s) that appear to be in non-use and an explanation of how the determination was made. The outfitter will be given the opportunity to correct the use records by supplying staff with evidence of use, prior to a hearing being scheduled. If adequate proof of use is not provided, the matter will be scheduled for a hearing. (4-11-06)

**c.** When it is determined by the Board that any activity or operating area has had zero (0) use or negligible use, certain requirements may be imposed by the Board up to and including revocation of some or all of the outfitter's operating areas and activities. (4-11-06)

## **04. Examples of Acceptable Use:** (4-11-06)

**a.** Paying clients participating in activities occurring within a designated operating area; (4-11-06)

**b.** Donated trips; (4-11-06)

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- c. Outfitter initiated applications for controlled hunts in their licensed operating area; (4-11-06)
- d. Outfitter initiated applications for trophy species; and (4-11-06)
- e. Use in conformance with a current and accepted operating plan. (4-11-06)

**05. Required Records.** Outfitters may be required to submit client records that include the name, address, and date of activity of individual clients or groups for a period of three (3) consecutive years. (4-11-06)

**06. Non-Use During a Sale.** Board staff shall review all full or partial business sales for non-use. If it is determined a major activity or operating area has had zero (0) or negligible use, the Board may review the sale and the issuance of a license may be denied. In some instances the Board may approve the sale with notification to the buyer that use must be established within the following two (2) out of the next three (3) years or the area or activity may be removed from their license.(4-11-06)

**07. Waiver of Compliance.** The Board may waive compliance with the non-use standard upon a showing of good cause. Waivers of non-use may be issued when the lack of use is a result of an act of nature, or by state or federal agency seasonal restrictions on hunting or fishing that limit the ability of the outfitter to seek and accommodate clients. Waivers may also be considered when personal circumstances such as illness or injury limit the ability of the outfitter to seek and accommodate clients. Non-use waivers must be applied for prior to the beginning of the license year or immediately upon the advent of extenuating circumstances. If a federal permit holder is requesting zero (0) or negligible use, the request for a waiver must be accompanied by a Land Manager's Statement.(4-11-06)

## **025. OUTFITTER RENEWAL.**

Every application for license renewal must include: (3-1-86)

**01. Operating Plan.** A proposed operating plan if any amendment to the existing operation is sought. (3-1-86)

**02. Use Report.** A use report for the preceding year which shall contain a report on the actual use during the preceding year. (3-1-86)

## **026. OPERATING AREA ADJUSTMENTS.**

An outfitter's operating area may be adjusted for reasons of wildlife harvest, where territorial conflict exists, or for the safety of persons utilizing the services of outfitters. (10-15-88)

**01. Hearing.** If the Board determines that a hearing is necessary prior to the adjustment of a licensee's operating area, such hearing shall be conducted in accordance with the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, and all affected parties shall be afforded an opportunity to participate. (3-30-01)

**02. Consideration.** In determining whether to adjust an operating area for reasons of wildlife harvest, the Board or the hearing officer shall consider, among other things, the following: (10-15-88)

a. Any changes in wildlife harvest, including any increase or decrease in wildlife harvest attributable to the licensee's activity(ies). (10-15-88)

b. Any new limitation(s) imposed or recommendation(s) made regarding wildlife harvest in the operating area(s) by any governmental agency since the issuance of the license. (10-15-88)

c. Any environmental change(s) that have occurred in the operating area(s) that affect wildlife management.

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(10-15-88)

**d.** Any undesirable wildlife impact(s) that may be ameliorated by a territorial adjustment. (10-15-88)

**e.** Any new information discovered since the issuance of the license regarding wildlife management in the operating area(s).(10-15-88)

**03. Consideration.** In determining whether to adjust an operating area for reasons of territorial conflict, the Board or the hearing officer shall consider, among other things, the following: (10-15-88)

**a.** Any incident(s) of territorial conflict and how they might be ameliorated by a territorial adjustment. (10-15-88)

**b.** The extent of each licensee's legal use of the disputed area.(10-15-88)

**c.** Any public or client safety concerns that might be ameliorated by or might arise from the inclusion of the disputed area as part of a particular licensee's operation. (10-15-88)

**d.** Any environmental or operational factors that indicate which licensee will be able to make the best use of the disputed area in providing services to the public considering, among other things, each licensee's licensed activity(ies) and the relationship of that activity(ies) to the activity(ies) conducted in the disputed area, each licensee's total operating area, the financial stability of each licensee, and the accessibility of the disputed area from adjacent operating area(s).(10-15-88)

**e.** Any recommendation(s) submitted by any governmental agency that regulates or manages land or wildlife within the disputed area. (10-15-88)

**04. Safety Adjustment.** In determining whether to adjust an operating area for reasons of safety of persons using the services of an outfitter, the Board or hearing officer shall consider, among other things, the following: (10-15-88)

**a.** Any change(s) in the environmental condition(s) in the area that may pose a threat to the health and safety of persons using the operating area. (10-15-88)

**b.** Any change(s) in the manner or amount of public use of the operating area since the issuance of the license that may pose a threat to the health and safety of persons using the operating area. (10-15-88)

**c.** Any change(s) in a licensee's manner of operation within the operating area that may affect clientele safety considering, among other things, change(s) in the condition(s) of the licensee's capability or equipment. (10-15-88)

**d.** Any safety-related incident(s) that have occurred in the operating area. (10-15-88)

**e.** Any safety concern(s) expressed by any governmental agency that regulates or manages land or wildlife within the operating area. (10-15-88)

**f.** Any new information discovered since the issuance of the license regarding safety. (10-15-88)

## **027. OUTFITTER LICENSE TENURE.**

Tenure in any outfitter's operating area ceases with the expiration of his outfitter license at the end of the license period. Priority in the operating area may be maintained by submitting a complete application for a license for the ensuing license period before the expiration date of the current license. If a completed application is not received by the Board within ninety (90) days following the end of the license period, the license is

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relinquished. (3-15-02)

## **028. OUTFITTER BUSINESS PURCHASE, LICENSE CONSIDERATIONS.**

**01. Transferability.** An outfitter license is not transferable. (3-15-02)

**02. Issuance to Purchaser.** The purchase of an outfitting business from a licensed outfitter does not require the Board to transfer the operating area(s) of the licensee to the purchaser or to issue to him an outfitter license; however, an applicant who has negotiated a purchase agreement with a licensee may be given priority for a license if he meets all other outfitter requirements. (3-15-02)

**03. Notification to Clients.** When an existing operation is acquired by another outfitter, all clients who have booked with the original outfitter must be promptly notified. Each client must be satisfied with the new arrangements or his advance payment must be refunded. (3-15-02)

## **029. OUTFITTER LICENSE CANCELLATION.**

The cancellation of an outfitter license bond by the insurer automatically cancels the outfitter's license. (3-1-86)

## **030. OUTFITTER WAITING LISTS.**

When there are more outfitter applications for an outfitter operating area than the maximum number of licenses allowing such activity, or when an individual wishes to be considered in an area to which another outfitter has historically been licensed, the Board shall maintain a list of such individuals for notification of an available opening. If there is no waiting list for an area, the Board may proceed with the license application or may employ a competitive application process. (4-11-06)

**01. Waiting List.** The waiting list will be maintained for each individual river, lake and reservoir outlined in Section 059 and for each specific Idaho Department of Fish and Game (IDFG) unit listed in IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals in the State of Idaho." (4-11-06)

**02. Outfitter Application or Outfitter Amendment Form.** A new outfitter application or outfitter amendment form must be completed and a partial application fee submitted for each river section, lake and reservoir and for each specific IDFG unit that the individual desires. The individual must indicate all activities for which they wish to be considered on the application form. (4-11-06)

**03. New Outfitter Waiting List Application Fee.** The Board will charge the individual wishing to be placed on a waiting list a partial application fee for each area for which they wish to be considered. (4-11-06)

**04. Length of Time Name Is on Waiting List.** A name on the waiting list shall be maintained for a period of five (5) years or until December 31 of the fifth year that the name is placed on the list, whichever comes first. (4-11-06)

**05. When Available Outfitting Opening Occurs.** When, or if, an available opening does occur and public announcement is made, the Board shall use the waiting list for direct notification by mail of interested parties, and shall select a qualified candidate from those who apply. Any person on the list who remains interested in obtaining a license following notification of availability must re-apply by submitting all necessary forms and fees during the open period as announced by the Board in order to have his application considered. (4-11-06)

**06. When an Operating Area Is Relinquished by the Licensee.** If an existing operating area (hunting, boating, or other) is relinquished by the licensee, the Board (if it deems it advisable to relicense the area) shall publicize the area's availability and accept written applications for a thirty (30) day period of time from the date of public notice from those persons wishing to be licensed to the area. The Board shall then consider the qualifications of all applicants and license the area to the candidate determined to be most qualified. Criteria to



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be used in making this selection shall include those criteria used to consider new outfitter applications or those criteria used to consider existing outfitters who wish to amend their licenses. (4-11-06)

**07. Availability.** The Board shall determine the availability of operating areas for relicensing by the beginning of each license year. (4-11-06)

**031. EXCEPTION TO GUIDE LICENSE REQUIREMENTS/CAMP HELPER, ETC.**

A person whose sole responsibility is any one or a combination of the following shall not be required to have a guide's license: care, grooming and saddling of livestock, cooking or woodcutting at or within designated outfitter camps, or transporting people, equipment and personal property on public roads. (10-15-88)

**032. EMPLOYMENT BY OUTFITTER.**

To be licensed, a guide shall be employed by a licensed outfitter. He shall: (10-15-88)

**01. Limitation.** Guide only those activities for which he is licensed. (10-15-88)

**02. Other.** Guide only in the operating area(s) and for those activities for which the employing outfitter is licensed. (10-15-88)

**033. GUIDE QUALIFICATIONS.**

A guide license applicant shall meet all general requirements and criteria of the Act and Rules, any specific requirements unique to his specialized field as identified below, and any other requirements which may be imposed by the Board or which may appear on the application form. (3-1-86)

**034. GUIDE APPLICATION REQUIREMENTS - GENERAL.**

To be complete, an application for a guide license must:  
(4-1-92)

**01. First Aid Card.** Be accompanied by an affidavit signed by the employing outfitter that the applicant will have a valid first aid card before they are employed as a guide.  
(4-11-06)

**02. Signatures.** Have the signature of the applicant and of the licensed outfitter(s) who wishes to employ the applicant as a guide, who shall certify that the applicant: (4-1-92)

**a.** Is qualified to perform the type of guiding activity(ies) for which the applicant seeks licensing; i.e., hunting, boating, skiing, or other as may be applicable.  
(4-11-06)

**b.** Has extensive, first-hand knowledge of the operating area(s) and water(s) in or on which the applicant will be guiding.(4-11-06)

**c.** If the applicant is land based, is able to read and understand a map and compass or operate a global positioning system (GPS) or other computerized map system. (4-11-06)

**d.** Is clean and well-mannered with a desire to please those whom the applicant is called upon to serve.  
(4-11-06)

**035. GUIDE APPLICATION REQUIREMENTS - HUNTING.**

A guide applicant for big game hunting may be licensed either as apprentice guide, or as a guide. (3-1-86)

**01. Apprentice Guide.** An apprentice guide is a new hunting guide applicant who has not had previous experience as an Idaho hunting guide. He may be licensed as an apprentice guide by submitting a completed application form and fee.(3-1-86)

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**02. Apprentice Guide.** An apprentice guide may assist a hunting guide while completing training necessary to become a guide, but may not be given primary responsibility for guiding a hunt. (3-1-86)

**03. Minimum Training.** A new hunting guide applicant must have the following minimum training certified by the employing outfitter before a guide license may be issued:(3-1-86)

**a.** The applicant must have been in the outfitter's operating area(s) for at least ten (10) days and must be knowledgeable of trails, terrain, drainages, and game habits and habitat. (3-1-86)

**b.** He must be able to correctly cape an animal and be adequately trained so as to be able to instruct and assist clients in the proper care of meat. (3-1-86)

**04. Submission.** Submission of a copy of a training form, with the employing outfitter's signature certifying that training is complete, will permit licensing as a guide rather than as an apprentice. (3-1-86)

**05. Expedite.** If an applicant wishes to expedite issuance of a hunting guide license, but does not have the required training and does not wish to be licensed as an apprentice guide, he must obtain from the Board, and have in his possession while training occurs, a validated training form. This form may be obtained by: (3-1-86)

**a.** Meeting all requirements for a hunting guide license except completion of the necessary training; and (3-1-86)

**b.** Submitting to the Board a completed guide license application form and guide license fee. (3-1-86)

**c.** Upon completion of the required training, the validated training form, with the outfitter's signature certifying that the required training has been completed, will serve as a twenty (20) day temporary license from the date the outfitter signs the form, provided that a copy of the validated training form has been immediately forwarded to the Board office for a license.(3-1-86)

**06. Upgraded.** If an apprentice guide license has been issued, the apprentice license may be upgraded to that of a guide when the required training is completed, certified by the employing outfitter, and a copy of the completed training form is submitted to the Board along with the amendment fee. (3-1-86)

## **036. DESCRIPTION OF CLASSIFIED RIVERS.**

Boating on any stream or lake is considered hazardous. For the purpose of these Rules, specific sections of some whitewater streams which are considered more hazardous have been designated "classified." Classified rivers are denoted by an asterisk (\*) in the list of rivers contained in Subsection 059.01. (3-1-86)

## **037. BOATMAN LICENSE TRAINEES.**

A guide applicant for boating may be licensed in several ways, depending upon training and experience, river classification, and the craft (float or power) used. (3-1-86)

**01. Boat Guide License.** When applying for a boat guide license, an applicant must show he has the training and experience required by the Board on each river or lake applied for and that he is proficient in reading the water and handling the type of boat required to be used. (3-1-86)

**02. Trainee Boatman.** A trainee boatman may not obtain a guide license until training is complete and may not operate a boat except as prescribed in Section 040. (3-1-86)

## **038. FLOAT BOAT GUIDE -- UNCLASSIFIED RIVERS.**

To qualify as a float boat guide on unclassified rivers and streams, the applicant shall have had one (1) complete commercial float boat trip on each of the rivers applied for, (complete trip means the total section of river designated by the Board in Subsection 059.01), under the supervision of a float boat guide licensed for each of those rivers. A log of this experience shall be kept and submitted to the Board office giving dates, location, and

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the signature of the outfitter. This training must be recorded on a form provided by the Board. (4-1-92)

## **039. FLOAT BOAT GUIDE -- CLASSIFIED RIVERS.**

A float boat guide on a classified river shall be licensed as a float boatman or a float lead boatman according to his experience on that specific river. Each trip on a classified river shall have a lead boat operated by a guide licensed as a lead boatman for that specific river and all other boats participating in that trip shall follow the lead boat and shall be operated by a guide licensed as a boatman or a lead boatman for that specific river. (Note exception for trainees in Section 040). (3-1-86)

## **040. FLOAT BOATMAN QUALIFICATIONS -- CLASSIFIED RIVERS.**

An applicant for a float boatman license on classified rivers may qualify in one (1) of three (3) ways: (4-1-92)

**01. General.** He shall have had three (3) complete float boat trips on each of the classified rivers applied for under the direct supervision of a float boatman licensed for that river (complete trip means the total section of river designated by the Board in Subsection 059.01), or he shall have had one (1) or more complete float boat trips on each of the classified rivers applied for under the direct supervision of a float boatman licensed for that river with the remaining trip(s) in a boat with no more than one (1) other trainee, following a licensed float boatman for that river, but he must not have passengers in the boat.(4-1-92)

**a.** Allowances may be made for experience gained as a commercial boat operator on selected whitewater rivers with characteristics similar to Idaho's classified rivers; e.g. Colorado River (Grand Canyon or Cataract Canyon), Yampa River, Rogue River, American and Toulumne Rivers, other Idaho classified rivers, or the unclassified section of the Salmon River from North Fork to Corn Creek, provided the applicant has logged at least five hundred (500) miles as a commercial float boat operator on one (1) or more of those rivers.(4-1-92)

**b.** To obtain credit for this experience, a statement signed by the applicant under oath or affirmation and notarized must accompany the application. The statement should include precise put-in and take-out points, miles logged for each trip, and the names and addresses of the boat operators who have employed them. (4-1-92)

**02. Other.** Or, he shall have logged at least five hundred (500) miles as a commercial float boat guide on any rivers applicable to Subsection 040.01.a., and shall have one (1) complete float boat trip on each river applied for under the direct supervision of a float boatman licensed for that river, or in a boat with no more than one (1) other trainee, following a float boatman licensed for that river, but there must not be any passengers in the boat. (Complete trip means the total section of river designated by the Board in Subsection 059.01).(4-1-92)

**03. Float Lead Boatman.** Or, if he is licensed as a float lead boatman on a classified Idaho river, he may qualify for a float boatman license on other classified rivers after one (1) complete float boat trip on each river applied for, under the direct supervision of a float boatman licensed for that river, or in a boat with no more than one (1) other trainee, following a float boatman licensed for that river, but he must not have passengers in the boat. (Complete trip means the total section of river designated by the Board in Subsection 059.01.) A log of this experience shall be kept and submitted to the Board office showing the dates, location of float boat trips, and the signature of the outfitter. This training must be recorded on a form provided by the Board.(4-1-92)

## **041. FLOAT LEAD BOATMAN QUALIFICATIONS.**

An applicant for a float lead boatman license must have had six (6) complete float boat trips except that upon Board approval, a licensee may train on and be licensed for a specific reach of a section only. (Complete trip means the total section or reach of a section of river designated by the Board in Subsection 059.01). One (1) trip must have been within the sixty (60) months preceding the date of the application on each of the classified rivers applied for. Any float boatman wishing to qualify for a lead float boatman license shall maintain a log of each commercial float boat trip made with dates, location, and signature of the outfitter. This training must be recorded on a form provided by the Board.(4-5-00)

## **042. POWER BOAT GUIDE.**

To qualify for a power boat guide license on:(4-1-92)

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**01. Classified Rivers.** An applicant shall have spent fifty (50) power boating hours on the total length of the river or section of river designated on the application by the Board for which he wishes to operate, under the direct supervision of a power boat guide licensed for that river. The fifty (50) hours required shall be distributed as evenly as possible along the total length of the river or section of river for which qualification is sought. The exception to this rule is the Salmon River from the mouth of the Middle Fork to Salmon Falls, Salmon Falls to Ludwig Rapids, and Ludwig Rapids to Vinegar Creek or Spring Bar, on which the applicant may train for twenty-five (25) hours on each section under the direct supervision of a power boat guide licensed for that river section.(4-1-92)

**02. Unclassified Rivers and Streams.** An applicant shall have spent at least ten (10) power boating hours on the total length of the river or section of river designated by the Board on the application for which he wishes to operate, under the direct supervision of a power boat guide licensed for that river or stream. The ten (10) hours required shall be distributed as evenly as possible along the total length of the river or section of river for which qualification is sought.(4-1-92)

**03. Lakes and Reservoirs.** An applicant shall have spent at least ten (10) power boating hours on the lake or reservoir on which he wishes to operate, under the direct supervision of a power boat guide licensed for that lake or reservoir. The ten (10) hours shall be distributed as evenly as possible on the entire area of the lake or reservoir for which qualification is sought.(4-1-92)

**04. Log.** A log of this experience shall be kept and submitted with the application showing the dates, river, lake or reservoir, location of put-in, destination, take-out, hours logged, and signature of outfitter. This training must be recorded on a form provided by the Board.(4-1-92)

## **043. BOAT TRAINING LOGS/FORMS.**

Boat training logs are available from the Board to record training trips. Training logs may be used for licensing purposes as follows:(4-1-92)

**01. First Time Applicant.** For a first time applicant, a copy of the completed training log that includes the applicant's signature and outfitter's dated signature verifying that the required training has been completed, shall be submitted, along with a completed guide application, copy of a current first aid card, and the necessary fees, to the Board before a guide license will be issued. (Exception: See Validated Training Form).(4-1-92)

**02. Amend Current Guide License.** To amend a current guide license to add an additional river segment(s), a copy of the completed training log that includes the applicant's signature and outfitter's dated signature verifying that the required training has been completed, shall be submitted, along with the necessary fees, to the Board so that an amended guide license can be issued. Validated training forms may be used as a temporary guide license while the regular guide license is being processed. To obtain a validated training form, a guide must specify the particular river section on which he wishes to train, and meet the following requirements:(4-1-92)

**03. Other.** If the guide is a first time applicant, he must submit a guide application form, first aid card, and necessary fees, and request a validated training form. When the completed paperwork is received at the Board, a validated training form will be issued to the applicant. Upon completion of training, a copy of the validated training form, containing the required guide's signature, supervisor's signature, and outfitter's dated signature, shall be returned to the Board. The validated training form retained by the guide will serve as a twenty (20) day temporary guide license effective the date of the employing outfitter's signature. The copy of the validated training form at the Board office will serve as an official training log to allow issuance of the regular guide license. (4-1-92)

**04. Form.** A currently licensed guide may also request a validated training form to add additional river sections to his license. Upon receipt of a request for a validated training form accompanied by the appropriate amendment fees, the Board will issue said form for the specified river section. When training has been completed, a copy of the validated training form containing the required signatures shall be sent to the Board

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and will be considered an official training log. Upon receipt by the Board, the amended guide license will be issued. The validated training form retained by the guide will serve as a twenty (20) day temporary license, effective the date of the employing outfitters signature.(4-1-92)

## **044. SKIING, NON-HAZARDOUS AND HAZARDOUS TERRAIN OUTFITTER, DESIGNATED AGENT, SKI GUIDE AND SKI GUIDE TRAINEE.**

### **01. Applications.(4-11-06)**

**a.** An outfitter, designated agent or guide must submit an outfitter or a guide application with current outfitter operating plan, if required, ski resume, avalanche training certificates, appropriate fees and proof of first aid training.(4-11-06)

**b.** The Board will then send this information to the Technical Advisory Committee (TAC) for evaluation. The TAC is a five (5) member body of qualified backcountry ski outfitters and ski guides appointed by the Executive Director and confirmed by the Board to advise the Board on non-hazardous and hazardous terrain skiing.(4-11-06)

**c.** The TAC will designate or determine the scope of the outfitting operation and whether guiding principally in non-hazardous or hazardous terrain. The TAC will then recommend to the Board whether or not the Board should license the outfitter or guide as either Level I Ski Operator (non-hazardous terrain, principally sub- alpine or skiing operations in forests) or a Level II Ski Operator (hazardous terrain with a high degree of avalanche exposure). Designated agents and guides are licensed to fill job duties of the respective outfitters based upon terrain and services of the guide rendered.(4-11-06)

### **02. Designations and Qualifications for Outfitters, Designated Agents, Guides and Trainees are as Follows: (4-11-06)**

**a.** Level I ski guide (non-hazardous terrain). Is qualified to lead ski tours in the outfitter's operating area. One (1) year training as a ski guide assistant in a non-hazardous backcountry setting. Level I Ski Guides may work in hazardous terrain as a Level II Ski Guide Trainee under the supervision of a Level II Ski Guide. Level I Ski Guides are required to have:(4-11-06)

i. Standard First Aid training as per guide licensing in Idaho;(4-11-06)

ii. Level I field-based avalanche training consisting of a twenty-four (24) hour curriculum submitted and an instructor roster;(4-11-06)

iii. Knowledge of Outfitters Scope of Operation including logistics, services, terrain; and(4-11-06)

iv. A letter of reference from the employing outfitter.  
(4-11-06)

**b.** Level II ski guide (hazardous terrain). Has in-depth ski guiding experience on hazardous terrain and has the following qualifications: (4-11-06)

i. Two (2) winter seasons training with Licensed Level II Ski Outfitter or Guide or equivalent work experience with another Level II ski operation which conduct services principally in hazardous or avalanche terrain; (4-11-06)

ii. Advanced First Aid, WFR, or EMT of a minimum of forty-eight (48) hours; (4-11-06)

iii. Level I and Level II field-based avalanche training consisting of at least forty-eight (48) hours curriculum with a submitted instructor roster; (4-11-06)

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iv. Knowledge of the Outfitters Scope of Operation including logistics, services, terrain; and (4-11-06)

v. A letter of reference from the employing outfitter.  
(4-11-06)

**03. Outfitters.** Outfitters who conduct winter ski-based operations may be designated as:(4-11-06)

**a.** Level I: self-propelled, with snowcat, or with snowmobile assisted including day skiing, hut skiing in non-hazardous terrain;(4-11-06)

**b.** Level II: self-propelled including day skiing, hut skiing, multi-day expeditions, in hazardous terrain; or (4-11-06)

**c.** Level II skiing operations with snowcats, helicopters, or ski from out of bounds from ski areas. (4-11-06)

**04. Outfitters Plan of Operation.** A detailed Outfitters Plan of Operation is required which includes a plan for snowpack, terrain and avalanche safety assessment, additional transport utilized (i.e., snowmobiles, snowcats, helicopters) and instruction and training plans of guides working around related equipment. Additional safety and training standards for guides must be detailed in the operating plan. (4-11-06)

**05. Field Supervisor.** The Outfitter must employ at least one individual acting as a field supervisor who must be a working Guide with the appropriate level of licensing for the operation and a minimum of five (5) years working at that level of guiding as to the scope of the operation, if the outfitter or Designated Agent does not satisfy this experience qualification. The individual will be required to provide a cover letter for each guide application attesting to the guides qualifications. (4-11-06)

**06. Ski Guide Trainees.** Trainees may be selected for employment by the outfitter and are not required to have a license. A trainee may only assist a licensed guide's direct supervision and trainees may not provide guided services to clients. Trainees must have thirty (30) days experience with a licensed ski guide in the outfitter's operating area and must meet all other guide requirements of Section 044 prior to submitting a guide application. (4-11-06)

**045. (RESERVED).**

## **046. TECHNICAL MOUNTAINEERING/ROCK CLIMBING GUIDE**

Any applicant for a technical mountaineering/rock climbing guide license will be required to submit to the Board a detailed explanation of his qualifications, experience, and training.  
(3-1-86)

## **047. SNOWMOBILING GUIDE.**

Applicants for a snowmobiling guide license shall: (4-1-92)

**01. Snowmobling Techniques.** Have working knowledge of snowmobiling techniques; (4-1-92)

**02. Avalanche.** Have good leadership qualities and be knowledgeable in regards to potential avalanche conditions and proper route selection; (4-1-92)

**03. Map and Compass.** Have ability to read a map and compass; (4-1-92)

**04. Hypothermia.** Be knowledgeable in treatment of hypothermia and in winter survival techniques; and (4-1-92)

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**05. Mechanics.** Have knowledge of mechanical characteristics of snowmobiles and other equipment being used. (4-1-92)

**048. POWER BOAT FISHING GUIDE -- (LAKES AND RESERVOIRS).**

All applicants for a power boat fishing guide license shall possess the ability and knowledge to: (10-15-88)

**01. Maneuver or Pilot.** Maneuver or pilot a power boat upon Idaho lakes and reservoirs open to power boat fishing. (10-15-88)

**02. Operation.** Have operated a power boat for a minimum of ten (10) hours upon the lakes and reservoirs being requested. (10-15-88)

**03. Log.** Submit a log of said experience showing dates and hours logged, location of lakes and reservoirs upon which said experience has been gained as certified by the employing outfitter.(10-15-88)

**04. Law.** Conduct his business in accordance with the Idaho Safe Boating Act (Idaho Code, Title 67, Chapter 10). (10-15-88)

**049. Reports.**

The licensee shall submit to the Board on an annual basis or as otherwise required by the Board, an activity, use, and harvest report and other information about outfitting or guiding activities as may be required by the Board. (3-23-98)

**050. GENERAL FISH AND GAME RULES.**

An outfitter or guide shall never kill a client's game or catch his fish for him. He will at all times provide everything necessary for the safety of clients and personnel and will not hesitate to remind anyone of firearms safety rules.(1-20-72)

**051. PLACEMENT OF HUNTING CAMPS AND LEAVING OUTFITTER'S OPERATING AREA.**

**01. Hot Pursuit of Bear and Cougar With Hounds and Hot Pursuit Agreements.** With prior Board approval, an outfitter may enter into an adjacent area with a client for hot pursuit of bear and cougar hunting when hunting with hounds. The pursuit may not be started outside of the outfitter's licensed area. Outfitters may negotiate agreements with adjoining outfitters for hot pursuit of bear and cougar when hunting with hounds. Such agreements constitute a minor amendment. A copy of the amended agreement must be filed with the Board annually. An outfitter wishing to conduct a hot pursuit hunt outside his licensed area with a client must: (3-20-04)

**a.** Obtain written permission from all outfitters whose licensed area(s) will be directly involved in the hunt; (3-20-04)

**b.** Obtain written permission from all applicable landowners or land managers; (3-20-04)

**c.** Obtain approval from the Outfitters and Guides Licensing Board to conduct the hunt by satisfying the following criteria: (3-20-04)

**i.** Must be licensed for bear and cougar hunting; and (3-20-04)

**ii.** Submit an incidental amendment fee. (3-20-04)

**d.** With prior Board approval, on a case by case basis and under special circumstances, the Board may waive the requirement for approval from the adjacent outfitter. (3-20-04)

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**02. Camps.** A hunting outfitter shall not place a camp, nor cause one to be placed, in an area for which he is not licensed, except as identified in his approved operating plan. Whenever possible, camps used for big game hunting shall be placed well within the operating area and not near the boundary line. (3-20-04)

**03. Guide Services to Clients Outside Outfitter's Operating Area.** Clients may not be provided guided services when outside the outfitters area, including any drop camp situation except as provided in Subsection 051.01. Outfitters providing unguided hunts may be subject to Board action for clients hunting outside their operating area. (3-20-04)

## **052. BOAT TRANSPORT OF HUNTING CLIENTS.**

A person holding a boatman's license (either power or float) may not transport big game hunters to any big game hunting area unless he is licensed to outfit for big game hunting in that area or is in the employ of the outfitter who holds a license for that area. (3-1-86)

## **053. CONTROLLED HUNTS OUTSIDE OUTFITTER'S OPERATING AREA.**

**01. Requirements to Conduct a Controlled Hunt Outside Operating Area.** An outfitter wishing to conduct a controlled hunt outside his licensed area with a client with a controlled hunt permit must: (3-30-01)

**a.** Obtain written permission from all outfitters whose licensed area(s) will be directly involved in the hunt; (3-30-01)

**b.** Obtain written permission from all applicable landowners or land managers; (3-30-01)

**c.** Obtain approval from the Outfitters and Guides Licensing Board to conduct the hunt by satisfying the following criteria: (3-30-01)

**i.** Must be licensed for the controlled hunt species; and (3-30-01)

**ii.** Send a written request to the Board for special one-time hunt approval, to include the hunter name and address, hunting license, tag and permit numbers, controlled hunt number, and dates of hunt. (3-30-01)

**d.** Submit a ten-dollar (\$10) amendment fee. (3-30-01)

**02. Authorization by Board.** Upon approval the Board will issue a letter authorizing the one-time hunt. This notification will include the name and address of the hunter(s), controlled hunt number, hunter(s) license, tag and permit numbers. No compensation or remuneration shall be permitted between outfitters participating in the conduct of a controlled hunt on another outfitter's area, unless the outfitter supplies a service for that compensation. (3-30-01)

## **054. BOAT EQUIPMENT REQUIREMENTS.**

Each float or power boat must have: (4-1-92)

**01. Life Jacket.** A life jacket for each passenger and boatman. The life jackets must be of a type approved by the U.S. Coast Guard for use in boats carrying passengers for hire and must be maintained in good and serviceable condition. (4-1-92)

**02. Fire Extinguisher.** A fire extinguisher. (Does not apply to float boats without motors for steerage). (4-1-92)

**03. Identification.** (3-20-04)



# IDAPA RULES

**a.** Identification consisting of words, names, or letters indicating the current licensed outfitter. The identification shall be recorded with the Board on the outfitter application and shall be placed above the water line on each side of the bow or stern of the boat utilized by that outfitter in letters not less than three (3) inches in height, and be of a contrasting color. (Does not apply to single person boats or two (2) person inflatable boats). (3-20-04)

**b.** On Sections CL2 and CL3 of the Clearwater River, the outfitter shall have a sticker affixed to the surface of any boat used for anadromous fishing. The sticker shall not be less than eight (8) inches in height and shall be placed immediately adjacent to the identification words, names or letters on each side of the boat towards the bow, identifying the boat as operated by a licensed outfitter. The stickers shall be provided and sold annually by the Board or a vendor designated by the Board.(4-11-06)

## **055. BOATING CLIENT/GUIDE RATIO.**

All float boats, occupied by three (3) or more clients, shall be under the control of a licensed guide; except a boat guide trainee may operate a boat under the direct supervision of a licensed boatman, or may train as indicated in Section 040. Kayaks and canoes and clients rowing rafts that they own are exempt from this rule. (3-20-04)

## **056. BOND REQUIREMENTS.**

Pursuant to Section 36-2108(b), Idaho Code, outfitters shall submit a bond of five thousand dollars (\$5,000) if the gross income of the outfitting business for the previous calendar year, rounded up to the nearest whole thousand dollars, does not exceed ten thousand dollars (\$10,000). Outfitters with a gross income of the outfitting business for the previous calendar year of more than ten thousand dollars (\$10,000) shall submit a bond of ten thousand dollars (\$10,000). An outfitter who conducts day trips only may petition the Board for a reduction to a five thousand dollar (\$5,000) bond. With prior approval from the Board, outfitters may submit a cash bond to the Board including, but not limited to, certificates of deposit, registered checks, certified funds and money orders. (3-19-99)

## **057. ALLOCATION OF DEER AND ELK TAGS.**

The number of deer or elk tags allocated among the authorized operating areas within each game management area, unit or zone will be determined by the Board pursuant to Section 36-408(d) and 36-408(j), Idaho Code, based on historical use and a tag allocation factor shall be noted on the license of each outfitter so affected. (3-23-98)

## **058. NUMBER OF OUTFITTERS AND GUIDES LIMITED.**

Big Lost and Little Lost Rivers and the Big Wood and the Little Wood Rivers -- All reaches from headwaters to the termination of the flow of the Big Lost and the Little Lost Rivers and all reaches of the Big Wood and Little Wood Rivers are limited to a maximum of five (5) outfitters on both rivers combined. (5-1-95)

## **059. RIVER, LAKE AND RESERVOIR POWER AND FLOAT OUTFITTER LIMITS.**

**01. Licensable Waters -- River Sections (BL1) Blackfoot River through (PR1) Priest River -- Table.** The following rivers and streams or sections that lie totally or partially within the state of Idaho shall be open to commercial boating operations by outfitters and guides. All other rivers and streams or sections that lie totally or partially within the state of Idaho shall be closed to commercial boating by outfitters and guides.

River/Section	Maximum No. Power	Maximum No. Float
(BL1) Blackfoot River - Morgan Bridge to Trail Creek Bridge	none	2

# IDAPA RULES

<b>(BO1) Boise River, South Fork</b> - Danskin Bridge to the Neal Bridge EXCEPT on weekends or holidays. Each outfitter may use only one (1) boat for fishing only with a maximum of two (2) fisherman. No overnight camping or walk-and-wade fishing allowed.	none	2
<b>(BO2) Boise River</b> - Downstream from the west side of the Garden City municipal limits to the east side of the Caldwell municipal limits. Each outfitter may use at any time a maximum of four (4) boats for boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan.	none	2
<b>(CF1) Clark Fork River</b> - Montana stateline to Lake Pend Oreille (boating closing date September 30)	4 outfitters for either power or float or combination thereof	
<b>(CL1) Clearwater River</b> - Lowell to the Lower Bridge at Kooskia. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. Fishing may not be conducted downstream from the Upper Bridge at Kooskia by CL1 outfitters. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	5
<b>(CL2) Clearwater River</b> - The Upper Bridge at Kooskia to the Orofino Bridge. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	6	10
<b>(CL3) Clearwater River</b> - The Orofino Bridge to the mouth of the Clearwater River with the Snake River at Lewiston. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan.	10	10
<b>* (NFCL) North Fork Clearwater River</b> - Kelly Forks Bridge downstream to backwaters of Dworshak Reservoir	none	4

# IDAPA RULES

<b>(CDNF) Headwaters of North Fork Coeur d' Alene</b> - Including tributaries (Independence and Tee Pee Creeks) upstream from Devils Elbow Campground. Three (3) walk and wade only licenses. Up to four (4) clients on the river at one time per license.	none	none
<b>(CD1) Coeur d' Alene River</b> - Devil's Elbow to South Fork confluence (boating closing date is June 30). Fishing limit is two (2) float boats per license with a maximum of two (2) clients at a time per boat. Two (2) additional walk and wade licenses can be issued. Walk and wade limited to a maximum of two (2) clients at a time per license.	none	1
<b>(CD2) Coeur d'Alene River</b> - South Fork confluence downstream to Cataldo Mission Boat Ramp. The float boat closing date is June 30. Fishing limit is one (1) float boat per license with a maximum of two (2) clients or two walk and wade clients per license at a time. Walk and wade activities do not have to be initiated from a float boat.	none	1
<b>(CD3) Lateral (Coeur d'Alene chain) Lakes</b> - Connected by the Coeur d' Alene river. Cataldo Mission Boat Ramp to Highway 97 Bridge. A limit of one (1) power boat per license with a maximum of two (2) clients at a time or a limit of one (1) guide per license and two (2) float tubes at a time or two (2) clients walking and wading. The walk and wade activities must be associated with the power boating.	3	none
<b>* (JB1) Jarbidge/Bruneau Rivers</b>	none	4
<b>(KO1) Kootenai River</b> - Montana stateline to Canada boundary	5	5
<b>(LCL1) Little North Fork Clearwater River</b> - Mouth of Canyon Creek to first bridge on the Little North Fork Clearwater River. Fishing only. Each outfitter may use only two (2) boats per day with a maximum of two (2) fishermen per boat.	none	2
<b>* (LO1) Lochsa River</b>	none	5
<b>(MO1) Moyie River</b> - Canada boundary to Bonners Ferry Municipal Dam (boating closing date July 20)	none	5

# IDAPA RULES

<b>* (OW1) Owyhee River</b> - Nevada stateline to Oregon stateline or South Fork to confluence with Owyhee River and continuing on to a take-out point.	none	6
<b>(PN1) Payette River, North Fork</b> - Payette Lakes Outlet to Hartsell Bridge. Restrictions: NO FISHING ALLOWED. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
<b>(PN1A) Payette River, North Fork</b> - Cascade City Park, 1/4 mile south of Cascade on Highway 55 to Cabarton. Restrictions: Catch and release for TROUT ONLY, other species F & G rules apply. No stopping by commercial groups from 1/4 mile above to 1/4 mile below heron nesting trees. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
<b>(PN2) Payette River, North Fork</b> - Cabarton to Smiths Ferry Bridge	none	5
<b>(PS1) Payette River, South Fork</b> - Grandjean to Deadwood River	none	5
<b>* (PS2) Payette River, South Fork</b> - Deadwood River to Banks	none	5
<b>(PA1) Payette River</b> - Banks to Black Canyon Dam	none	5
<b>(PO1) Pend Oreille River</b>	5	5
<b>(PR1) Priest River</b> - Dickensheet Campground to Priest River City	none	5

(4-11-06)

**02. Licensable Waters -- River Sections (MF1) Middle Fork Salmon River Through (SE2) Selway River -- Table.** The following rivers and streams or sections that lie totally or partially within the state of Idaho shall be open to commercial boating operations by outfitters and guides. All other rivers and streams or sections that lie totally or partially within the state of Idaho shall be closed to commercial boating by outfitters and guides.

# IDAPA RULES

River/Section	Maximum No. Power	Maximum No. Float
<b>*(MF1) Salmon River, Middle Fork</b> - Boundary Creek to Indian Creek	none	27
<b>*(MF2) Salmon River, Middle Fork</b> - Indian Creek to Cache Bar on the Salmon River	none	27
<b>(SA1) Salmon River</b> - First bridge across Salmon River above Redfish Lake Creek to Torrey's Bar	none	6
<b>(SA2) Salmon River</b> - Torrey's Bar to first Highway 93 bridge above Challis. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan.	none	5
<b>(SA3) Salmon River</b> - First Highway 93 bridge above Challis to Kilpatrick River access. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan.	none	6

# IDAPA RULES

(SA4A) <b>Salmon River</b> - Kilpatrick River access to North Fork - License period from May 1 to September 30. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	5	11
(SA4B) <b>Salmon River</b> - Kilpatrick River access to North Fork - License period from October 1 to April 30. Each power boat outfitter may use at any one time a maximum of one (1) boat and each float boat outfitter may use at any one time a maximum of three (3) boats.	2	8
(SA5) <b>Salmon River</b> - North Fork to Corn Creek	3	9
*##(SA6) <b>Salmon River</b> - Corn Creek to Spring Bar Boat Ramp with no outfitter fishing below Vinegar Creek from September 15 through March 31 except that on a case-by-case basis, outfitter fishing may occur when permitted by the BLM and with the notification to and concurrence of the Board Executive Director.	14	31
* (SA7A) <b>Salmon River</b> - Vinegar Creek to Hammer Creek - License period from March 15 to October 15. No power boating is allowed from the Saturday before Memorial Day through Labor Day from 10:30 a.m./Mountain Time to 5:00	10	26

# IDAPA RULES

p.m./Mountain Time daily between the Riggins City Boat Dock and Lucile.		
* <b>(SA7B) Salmon River</b> - Power boats from Vinegar Creek to Spring Bar Boat Ramp and float boats from Vinegar Creek to Island Bar Boat Ramp, open from September 15 to March 31 only. Each float boat outfitter may use at any one time a maximum of three (3) boats for fishing, or two (2) additional boats for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Director; and each power boat outfitter may use at any one time a maximum of two (2) boats for fishing, or one (1) additional boat for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Director.	6	12
* <b>(SA7C) Salmon River</b> - Riggins City Park Boat Ramp to Hammer Creek. Three (3) designated outfitters may utilize float boats to fish from the Riggins City Boat Dock to Hammer Creek during the period from September 15 to March 31.	none	3
* <b>##(SA8) Salmon River</b> - Hammer Creek to Heller Bar or Lewiston on the Snake River	15	35
* <b>(SE1) Selway River</b> - Paradise Campground to Selway Falls	none	4

# IDAPA RULES

(SE2) Selway River - Selway Falls to the mouth of the Selway River at Lowell. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	5
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(4-11-06)

**03. Licensable Waters -- River Sections (SH1) Henry's Fork Snake River Through (TE3) Teton River -- Table.** The following rivers and streams or sections that lie totally or partially within the state of Idaho shall be open to commercial boating operations by outfitters and guides. All other rivers and streams or sections that lie totally or partially within the state of Idaho shall be closed to commercial boating by outfitters and guides.

River/Section	Maximum No. Power	Maximum No. Float
(SH1) Snake River, Henry's Fork - Henry's Lake Outlet to Hatchery Ford. (Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing No more than three (3) of these boats may be used at any one time on any of the following river reaches: Henry's Lake Outlet to Island Park Dam, Island Park Dam to Last Chance, Last Chance to Osborn Bridge, and Osborn Bridge to Hatchery Ford), and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	7



# IDAPA RULES

<p><b>(SH2) Snake River, Henry's Fork</b> - Mesa Falls to St. Anthony. Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing, no more than three (3) of these boats may be used at any one time on any one of the following river reaches: Mesa Falls to Warm River, Warm River to Ashton Dam, and Ashton Dam to St. Anthony, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.</p>	<p>none</p>	<p>8</p>
<p><b>(SH3) Snake River, Henry's Fork</b> - St. Anthony to confluence with South Fork of Snake River. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.</p>	<p>none</p>	<p>4</p>
<p><b>(SS1) Snake River - South Fork</b> - Palisades Dam to confluence with Henry's Fork. No more than four (4) boats per section/per day may be used by an outfitter at any one time on any of the following river reaches: (a) Palisades Dam to Swan Valley Bridge; (b) Swan Valley Bridge to Black Canyon (Exception: Not more than eight (8) boats will be permitted in Section (b) on the same day, provided</p>	<p>5</p>	<p>6</p>

# IDAPA RULES

that no more than four (4) of said boats are in this Section after 11:00 a.m.); (c) Black Canyon to Poplar (Kelly Canyon); and (d) Poplar to the confluence with Henry's Fork. Restrictions: No outfitter may have more than twelve (12) boats on the SS1 in any one (1) day. Further, the lower boundary of Section (a) (Palisades Dam to Swan Valley Bridge) shall overlay Section (b) to the Conant takeout (Swan Valley Bridge to Black Canyon), and Section (b) shall overlay Section (c) to the Cottonwood access. Supply boats which do not carry clients are exempt from these restrictions.		
<b>(SN1) Snake River</b> - Henry's Fork confluence downstream to Gem State Power Plant	3	3
<b>(SN2) Snake River</b> - Gem State Power Plant downstream to headwaters of American Falls Reservoir	3	3
<b>(SN3) Snake River</b> - American Falls Dam to Massacre Rocks State Park	3	3
<b>(SN4) Snake River</b> - Massacre Rocks State Park to Milner Dam	3	3
<b>* (SN5) Snake River</b> - Milner Dam to Star Falls	none	3
<b>* (SN6) Snake River</b> - Star Falls to Twin Falls	none	5

# IDAPA RULES

<b>(SN7) Snake River</b> - Twin Falls to Lower Salmon Falls Dam	3	3
<b>(SN8) Snake River</b> - Lower Salmon Falls Dam to Bliss Dam	3	5
<b>(SN9) Snake River</b> - Bliss Dam to headwaters of C.J. Strike Reservoir	5	5
<b>(SN10) Snake River</b> - C.J. Strike Dam to Walter's Ferry	5 outfitters for either power or float or combination thereof	
<b>(SN11) Snake River</b> - Walter's Ferry to headwaters of Brownlee Reservoir	5	none
<b>* (SN12) Snake River</b> - Hells Canyon Dam to Pittsburg Landing	18	15
<b>* (SN13) Snake River</b> - Hells Canyon Dam to Pittsburg Landing, two (2) one-day float trips only	none	2
<b>(SN14) Snake River</b> - Pittsburg Landing to Heller Bar or Lewiston	19	15

# IDAPA RULES

(SN15) Snake River - Washington/Oregon stateline to Lewiston	Limitations pending. (This section is set aside for future rules of fishing only outfitters)	
(SJ1) St. Joe River - St. Joe River Headwaters to Red Ives. No outfitted boating. One (1) walk and wade only fishing outfitter.	none 2	none
(SJ2) St. Joe River - Red Ives to Avery. In addition to one (1) float boat license, three (3) walk and wade only outfitters. No fishing from float boats, boat clients may fish via walk and wade.	none	1
(SJ3) St. Joe River - Avery to St. Joe City Bridge	none	2
(SJ4) St. Joe River - St. Joe City Bridge to Lake Coeur d'Alene	2	None
(SM1) St. Maries River	5	5
(TE1) Teton River - Upper put-in to Cache Bridge, motors not to exceed 10 hp	5 outfitters for either power or float or combination thereof	
(TE2) Teton River - Cache Bridge to Harrop Bridge, motors not to exceed 10 hp	6 outfitters for either power or float or combination thereof	
(TE3) Teton River - Harrop Bridge to confluence with Snake River,	none	5

# IDAPA RULES

motors not to exceed 10 hp		
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\* Classified rivers

## Floatboat and powerboat outfitters on these sections shall be considered within their area of operations when hiking from the river or fishing in tributaries away from the river, but shall not include overnight activities. Conflicts with land-based outfitters shall be handled on a case-by-case basis.

(3-30-07)

**04. Other -- Table.** The following lakes and reservoirs or portions thereof that lie totally or partially within the state of Idaho shall be open to fishing by outfitters with the following limitations:

Lake or Reservoir	Maximum No. of Operators	Maximum No. Boats per Operator per Lake or Reservoir
Lake Coeur d'Alene	8	1
Dworshak Reservoir	7	2
Hayden Lake	1	2
Henry's Lake	8	2
Island Park Reservoir	7	2
Magic Reservoir	3	2
Palisades Reservoir	10	2
Lake Pend Oreille	11	1
Priest Lake	5	1
American Falls Reservoir	3	2
C.J. Strike Reservoir	4	2
Brownlee Reservoir	5	2
Oxbow Reservoir	3	2
Hells Canyon Reservoir	3	2

(4-1-92)

**05. Other Lakes and Reservoirs.** All other Idaho lakes and reservoirs shall be limited to two (2) outfitters with a maximum of two (2) boats (float or power) per outfitter.

(4-1-92)

**060. SKIING.**

# IDAPA RULES

**01. Cross-Country.** All cross-country ski tours shall have with them necessary emergency provisions, including a first aid kit. (5-1-95)

**02. Alpine.** All general Rules for outfitters and guides shall apply to backcountry alpine skiing. All backcountry alpine ski tours shall have with them necessary emergency provisions, including a first aid kit (5-1-95)

**03. Backcountry Alpine.** Backcountry alpine ski outfitters must have an operating plan approved by the Forest Service prior to conducting any outfitting or guiding operations. (3-1-86)

**061. TECHNICAL MOUNTAINEERING/ROCK CLIMBING.**

Technical mountaineering/rock climbing is a highly specialized activity requiring training and skill. Any outfitter applicant for this activity shall be required to appear before the Board to explain in full detail his qualifications, experience, plans, and areas of operation. (3-1-86)

**062. TECHNICAL MOUNTAINEERING/ROCK CLIMBING -- EMERGENCY SUPPLIES.**

All technical mountaineering/rock climbing tours shall have with them necessary emergency provisions, including a first aid kit. (5-1-95)

**063. SNOWMOBILING.**

All general Rules for outfitting and guiding shall apply to snowmobiling. In addition, the following general rules apply: (3-1-86)

**01. Non-Groomed Trails.** All machines shall be accompanied by at least one (1) guide for one (1) through five (5) snowmachines, two (2) guides for six (6) through twelve (12) snowmachines, and one (1) additional guide for each additional ten (10) snowmachines. The maximum number of snowmachines allowed in one (1) group shall not exceed thirty (30). One (1) guide shall lead and one (1) trail where more than five (5) snowmachines are involved. (3-1-86)

**02. Groomed Trails.** All machines shall be accompanied by at least one (1) guide for one (1) through fifteen (15) snowmachines, and two (2) guides for sixteen (16) through a total of thirty (30) snowmachines. One (1) guide shall lead and one (1) trail where more than fifteen (15) machines are involved. The maximum number of snowmachines allowed in one group shall not exceed thirty (30). (3-1-86)

**03. Emergency Equipment.** All snowmobiling tours shall have with them necessary emergency equipment, a first aid kit, tools, and spare parts for the machine(s) in use. (5-1-95)

**04. Reduction in Guide Ratios.** Upon application to the Board by the outfitter, the Board may reduce the number of guides on non-groomed trails to one (1) guide for six (6) through twelve (12) snowmachines and the number of guides on groomed trails to one (1) guide for sixteen (16) through thirty (30) snowmachines, if the guide has electronic communication for summoning assistance at all times during the excursion. (3-10-03)

**064. AUTHORIZATION FOR GRANTING, DENIAL AND REVOCATION OF LICENSES.**

**01. Executive Director Authorizations.** The Executive Director is authorized to grant, deny, suspend, or revoke temporary authorizations, licenses and license amendments, with the concurrence of the Board, under the following conditions: (3-10-03)

**a.** The Executive Director may grant all routine license applications and amendments where the applicant does not have any convictions for fish and game violations, falsified or otherwise invalid first aid cards, or other convictions of violations enumerated in Section 36-2113(a), Idaho Code, and otherwise qualify for licensure. The Executive Director may issue a temporary authorization to an applicant pending final approval and issuance of a license. The Executive Director may not waive fees. (3-10-03)

# IDAPA RULES

**b.** The Executive Director may grant all license applications which otherwise qualify for licensure, but which have convictions of violations enumerated in Section 36-2113(a), Idaho Code, which occurred five (5) years prior to the date of application, except that a license will not be granted by the Executive Director to an applicant who has a felony conviction of any nature, or conviction of any outfitter and guide law violation or conviction of a major fish and game violation. (3-30-01)

**c.** The Executive Director may grant a license with probationary status for conviction of minor fish and game violations. The Executive Director shall not grant a license to an applicant who has a conviction of a flagrant violation pursuant to Section. 36-2401(e), Idaho Code. (3-30-01)

**d.** The Executive Director may defer granting or denying any license to the Board for action by the Board. (3-30-01)

**02. Board Conditions.** The Board may grant or deny a license pursuant to the provisions of Sections 36-2109 and 36-2113, Idaho Code, under the following conditions: (3-30-01)

**a.** The Board may grant a license to an applicant with convictions of violations enumerated in Section 36-2113(a), Idaho Code, which are over five (5) years old and may or may not place the licensee on probation. (3-30-01)

**b.** The Board may grant a license to an applicant with convictions of violations enumerated in Section 36-2113(a), Idaho Code, which are less than five (5) years old and may or may not place the licensee on probation. (3-30-01)

**c.** The Board shall proceed with the denial of an applicant for a hunting or fishing outfitter or guide license or proceed with the revocation process on a licensee upon conviction of a flagrant violation pursuant to Section 36-1402(e), Idaho Code, unless unusual mitigating circumstances exist.(3-30-01)

## **065. LICENSE AMENDMENTS.**

**01. Procedure for Amendment to Outfitter License.** An outfitter must procure an amendment to their license through the following procedure: (4-5-00)

**a.** The applicant requests an Amendment Request Form (OG9) from the Board. (4-5-00)

**b.** The applicant fills out and returns the completed Amendment Request Form to the Board along with an amended operating plan, financial statement, map (if applicable), land manager signoff sheets (if applicable), and the amendment fee as provided for in Section 009. (4-5-00)

**c.** The Board initiates a review and analysis of the application following which the applicant is informed that:  
(4-5-00)

i. Additional materials are needed to complete the application; or (4-5-00)

ii. The amendment request is granted; or (4-5-00)

iii. The amendment request is denied. (4-5-00)

**02. Procedure for Amendment to Guide License.** A guide must procure an amendment to their license through the following procedure: (4-5-00)

**a.** The guide or the outfitter must initiate the amendment request by contacting the Board. (4-5-00)

# IDAPA RULES

**b.** The guide for which all amendment requests are made must meet and provide proof of original training requirements for the area and activity to be added or amended and proof of such training must be sent to the Board along with the amendment fee as provided for in Section 009.  
(4-5-00)

**c.** The Board initiates a review and analysis of the application following which the applicant is informed that:  
(4-5-00)

i. Additional materials are needed to complete the application; or (4-5-00)

ii. The amendment request is granted; or (4-5-00)

iii. The amendment request is denied. (4-5-00)

**066. (RESERVED).**

## **067. INSPECTIONS.**

Outfitter camps and equipment may be inspected at any time by an authorized person or any member of the Board with a written report submitted to the Board. Adequate equipment and gear must be utilized and must be maintained in a manner which meets minimum standards of public acceptability and which meets the requirements of applicable local, state, or federal laws. (3-1-86)

## **068. ADMINISTRATIVE FINES/PROBATION/RESTRICTIONS.**

**01. Penalties -- Table.** In addition to suspension, probation, restriction or revocation of a license, the following penalties may be applied to that licensee or those licensees found to have violated the provisions of Idaho Code Title 36, Chapter 21 or the Rules of the Board. Each numbered penalty set forth below corresponds to the numbered sub-paragraph for discipline set forth in Section 36-2113(a), Idaho Code, with such fine, suspension, probation, restriction or revocation of a license applicable to each numbered penalty.

<b>I.C. Section 36- 2113(a)</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
<b>1.</b>	\$100 - \$500 Fine	\$500 - \$5,000 Fine	Suspension or Revocation of License
<b>2.</b>	Probation/Restriction of License	\$100 - \$500 Fine	\$500 - \$5,000 Fine
<b>3.</b>	All Penalties Shall Be Within The Board's Discretion.		
<b>4.</b>	Probation/Restriction of License	\$100 - \$500 Fine	\$500 - \$5,000 Fine
<b>5.</b>	\$100 - \$300 Fine	\$100 - \$500 Fine	\$500 - \$5,000 Fine



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6.	Probation/Restriction of License	\$100 - \$500 Fine	\$500 - \$5,000 Fine
7.	Probation/Restriction of License	\$100 - \$500 Fine	\$500 - \$5,000 Fine
8.	\$100 - \$500 Fine	\$500 - \$5,000 Fine	Suspension or Revocation of License
9.	\$100 - \$500 Fine	\$500 - \$5,000 Fine	Suspension or Revocation of License
10.	\$100 - \$500 Fine	\$500 - \$2,500 Fine	\$2,500 - \$5,000 Fine
11.	\$100 - \$300 Fine	\$100 - \$500 Fine	\$500 - \$5,000 Fine
12.	\$100 - \$500 Fine	\$500 - \$2,500 Fine	\$2,500 - \$5,000 Fine
13.	All Penalties Shall Be Within The Board's Discretion.		
14.	\$100 - \$300 Fine	\$100 - \$500 Fine	\$500 - \$5,000 Fine

(3-30-01)

**02. Restrictions.** No license shall be issued while any outstanding administrative fine monies are due unless an arrangement has been made and approved by the Board for the payment of same. (10-15-88)

**03. Terms of Probation.** The standard or usual terms of probation are that there be no violations of local, state or federal laws or ordinances, and that no amendments to the license will be permitted during the term of probation. Probation may also include such other restrictions as the Board shall order. (3-23-98)

## **069. INSURANCE.**

An outfitter shall maintain and file with the Board a current certificate or proof of liability insurance. (9-1-90)

**01. Insurance Coverage.** Insurance coverage against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person, excluding employees, caused by the outfitter's operation, in the minimum amount of one hundred thousand (\$100,000) per accident, with the aggregate of three hundred thousand (\$300,000), because of bodily injury or death occurring in an accident.(9-1-90)

**02. Vehicles.** Insurance coverage on vehicles carrying passengers against loss resulting from liability for bodily injury or death or property damage suffered by any person caused by the outfitter's operation, in the amount of three hundred thousand (\$300,000) for vehicles carrying one (1) to fifteen (15) passengers, and in the minimum amount of five hundred thousand (\$500,000) for vehicles carrying sixteen (16) or more passengers. (9-1-90)

**070. (RESERVED).**

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## **071. BOARD MEETINGS.**

Board meeting dates shall be established for the conduct of regular Board business in accordance with the Idaho Open Meeting Law, Idaho Code 67-2340 through 67-2347.  
(3-30-07)

## **072. ELECTION OF BOARD OFFICERS.**

**01. General.** At the regular Board meeting on the fourth Monday in June, or as soon thereafter as practicable, the Board shall elect from within its members, except for Board Secretary, the following officers:  
(12-30-93)

- a.** Chair of the Board; (12-30-93)
- b.** Vice-Chair of the Board, who shall serve as Chair in the absence of the Chair of the Board; (12-30-93)
- c.** Board Secretary -- the Executive Director shall serve in this office; (12-30-93)
- d.** Board Treasurer who shall serve as Chair in the absence of both the Chair and Vice-Chair of the Board.  
(12-30-93)

**02. Election.** Members shall be elected by an affirmative vote of a majority of Board members present.  
(12-30-93)

**03. Successors.** Officers shall hold their office until a successor is elected. (12-30-93)

**04. Term.** No person shall serve more than two (2) consecutive terms in the same office. (12-30-93)

**04. Majority Vote.** Election shall be by majority vote. (12-30-93)

**05. Proxies.** Proxies shall not be permitted. (12-30-93)

**06. Effect.** Terms shall take effect immediately upon election and shall last for a period of two (2) years.  
(12-30-93)

**073. -- 999. (RESERVED).**

# **IDAPA RULES**